

THE NATIONAL ARCHIVES
LITTERA
SCRIPTA
MANET
OF THE UNITED STATES
1934

FEDERAL REGISTER

VOLUME 8 NUMBER 19

Washington, Thursday, January 28, 1943

Regulations

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amendment 17]

PART 600—DESIGNATION OF CIVIL AIRWAYS DELETION OF TALLAHASSEE, FLA., TO ATLANTA, GA., CIVIL AIRWAYS

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the Regulations of the Administrator of Civil Aeronautics as follows:

By striking § 600.10421 *Tallahassee, Florida, to Atlanta, Georgia, Civil Airway.*

This amendment shall become effective 0001 E. W. T. February 15, 1943.

Dated: January 21, 1943.

C. I. STANTON,
Administrator.

[F. R. Doc. 43-1363; Filed, January 26, 1943;
2:39 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4702]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HOLLYWOOD MAGIC GARMENT CO.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or services:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* In connection with offer, etc., of respondent's device designated "Hollywood Magic Garment", or any other similar device, disseminating, etc., any advertisements by means of the United States mails, or in commerce or by any means, to induce, etc., directly or indi-

rectly purchase in commerce, etc., of said device, which advertisements represent, directly or by implication, that said device constitutes an effective means or method for the removal of excess flesh or weight from the human body, or that said device is in all cases safe for use; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Hollywood Magic Garment Co., Docket 4702, January 19, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of January, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission (no answer having been filed by respondent), testimony and other evidence in support of the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, reports of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Hollywood Magic Garment Co., a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of respondent's device designated "Hollywood Magic Garment," or any other device of substantially similar nature or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement repre-

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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the **FEDERAL REGISTER** will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year, payable in advance. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue. Remit money order for subscription or single copies payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

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sents, directly or by implication, that respondent's device constitutes an effective means or method for the removal of excess flesh or weight from the human body, or that said device is in all cases safe for use.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's device, which advertisement contains any representation prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1403; Filed, January 27, 1943; 10:56 a. m.]

[Docket No. 4706]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

THE FERBO CO.

§ 3.6 (c) Advertising falsely or misleadingly—Composition of goods: § 3.6 (n) Advertising falsely or misleadingly—Nature—Product. In connection with offer, etc., of respondent's food flavoring product designated as "French Tang Vanilla Flavor" and as "Sun-Cu-Nilla", or any other similar product, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said product, which advertisements (1) use the term "vanilla," "vanilla flavor," or "vanilla flavoring," or any other term of similar import, to designate or describe respondent's product, unless such term is immediately preceded by the word "Imitation" in equally conspicuous type; or (2) represent in any manner or by any means that respondent's product is genuine vanilla extract or flavoring; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, The Ferbo Co., Docket 4706, January 19, 1943]

In the Matter of Arthur H. Ferber, an Individual, Trading and Doing Business as The Ferbo Co.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of January, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it,

report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Arthur H. Ferber, individually and trading as The Ferbo Co., or trading under any other name, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of respondent's food flavoring product designated as "French Tang Vanilla Flavor" and as "Sun-Cu-Nilla," or any other product of substantially similar composition, whether sold under the same names or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement

(a) Uses the term "vanilla," "vanilla flavor," or "vanilla flavoring," or any other term of similar import, to designate or describe respondent's product, unless such term is immediately preceded by the word "Imitation" in equally conspicuous type; or

(b) Represents in any manner or by any means that respondent's product is genuine vanilla extract or flavoring.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's product, which advertisement contains any representation prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1404; Filed, January 27, 1943;
10:57 a. m.]

[Docket No. 4834]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

MONO SERVICE COMPANY

§ 3.99 (a) *Using or selling lottery device—Devices for lottery selling.* In connection with offer, etc., in commerce, of ice cream cups or other similar containers, (1) selling, etc., to jobbers or wholesale dealers or to retail dealers direct, ice cream cups, or other similar containers, so printed or assembled that sales of ice cream or other merchandise to the general public, when packed in said cups or other similar containers, are to be made or, due to the manner in which such cups or other similar containers are printed and assembled at the time they are sold by respondent, may be made by means of a game of chance, gift enterprise, or lottery scheme; (2) packing or assembling cup lids in packages or assortments of ice cream cups or other similar containers for sale with ice cream or other merchandise to the public at retail, which cup lids are printed for use, or which may be used, in distributing or selling ice cream cups or other similar containers together with ice cream or other merchandise by means of a lottery scheme, game of chance, or gift enterprise; and (3) furnishing to retail or wholesale dealers or jobbers, cup lids or containers, some of which are so printed as to be used in distributing extra cups or containers of ice cream or other merchandise to purchasers of cups or containers containing ice cream or other merchandise when the distribution of such extra cups or containers is determined by lot or chance; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Mono Service Company, Docket 4834, January 19, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of January, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Mono Service Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device in connection with

the offering for sale, sale and distribution of ice cream cups or other similar containers in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing to jobbers or wholesale dealers or to retail dealers direct, ice cream cups, or other similar containers, so printed or assembled that sales of ice cream or other merchandise to the general public, when packed in said cups or other similar containers, are to be made or, due to the manner in which such cups or other similar containers are printed and assembled at the time they are sold by respondent, may be made by means of a game of chance, gift enterprise, or lottery scheme;

(2) Packing or assembling cup lids in packages or assortments of ice cream cups or other similar containers for sale with ice cream or other merchandise to the public at retail, which cup lids are printed for use, or which may be used, in distributing or selling ice cream cups or other similar containers together with ice cream or other merchandise by means of a lottery scheme, game of chance, or gift enterprise;

(3) Furnishing to retail or wholesale dealers or jobbers, cup lids or containers, some of which are so printed as to be used in distributing extra cups or containers of ice cream or other merchandise to purchasers of cups or containers containing ice cream or other merchandise when the distribution of such extra cups or containers is determined by lot or chance.

It is further ordered, That the respondent, Mono Service Company, a corporation, shall, within 60 days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist hereinabove set forth.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1402; Filed, January 27, 1943;
10:56 a. m.]

[Docket No. 4845]

PART 3—DIGEST OF CEASE AND DESIST
ORDERS

THE LEONARD CUSTOM TAILORS CO. ETC.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Unique status or advantages:* § 3.6 (m 10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (ff 10) *Advertising falsely or misleadingly—Unique nature or advantages.* In connection with offer, etc., in commerce, of men's

clothes, representing (1) that its men's clothes are benchmade or handmade; and (2) that the woolen materials from which respondent's men's clothing is made are exclusive to respondent or that respondent is the only dealer from whom clothes manufactured from the same materials can be purchased; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, The Leonard Custom Tailors Co., etc., January 14, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of January A. D. 1943.

In the matter of The Leonard Custom Tailors Co., a corporation, also trading as Leonard Custom Tailors Company, as Leonard Custom Tailors and as Avon Park Clothes.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, The Leonard Custom Tailors Co., a corporation, also trading as Leonard Custom Tailors Company, as Leonard Custom Tailors and as Avon Park Clothes, or trading under any other name or names, its officers, representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of men's clothes in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that its men's clothes are bench-made or handmade;

(2) Representing that the woolen materials from which respondent's men's clothing is made are exclusive to respondent or that respondent is the only dealer from whom clothes manufactured from the same materials can be purchased.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-1405; Filed, January 27, 1943
10:57 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 210—REGULATION S-X UNDER SE- CURITIES ACT OF 1933, SECURITIES EX- CHANGE ACT OF 1934, AND INVESTMENT COMPANY ACT OF 1940

FINANCIAL STATEMENTS UNDER SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND INVESTMENT COMPANY ACT OF 1940

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 7 and 19 (a) thereof, and the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by said Acts, hereby amends Part 210 [Regulation S-X] as follows:

1. By adopting the following new § 210.4-13 [Rule 4-13]

§ 210.4-13 *Special requirements as to public utility holding companies.* In the consolidated balance sheet of a public utility holding company and its subsidiaries, tangible and intangible utility plant shall be segregated so as to show separately the original cost, plant acquisition adjustments, and the plant adjustments, as required by the systems of accounts prescribed by the applicable regulatory authorities. In addition, there shall be shown the differences between the amount at which the parent's investment is carried and the underlying book equity of subsidiaries as at the respective dates of acquisition. The above classification of utility plant, however, is not required of companies included in consolidation which are not otherwise required to make such a classification or which have not completed the necessary original cost studies. If such classification is not otherwise required or if such original cost studies have not been completed, an appropriate explanation of the circumstances shall be set forth in a footnote which shall include a specific statement as to the status of the original cost studies and, to the extent practicable, the results indicated thereby.

2. By amending caption 13 of § 210.5-02 [Rule 5-02], Balance Sheets, to read as follows:

13. *Property, plant and equipment.* Tangible and intangible utility plant of a public utility company shall be segregated so as to show separately the original cost, plant acquisition adjustments, and plant adjustments, as required by the systems of accounts prescribed by the applicable regulatory authorities. This

rule shall not be applicable in respect of companies which are not otherwise required to make such a classification or have not completed the necessary original cost studies. If such classification is not otherwise required or if such original cost studies have not been completed, an appropriate explanation of the circumstances shall be set forth in a footnote which shall include a specific statement as to the status of the original cost studies and, to the extent practicable, the results indicated thereby.

Effective January 26, 1943.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1362; Filed, January 26, 1943;
2:41 p. m.]

PART 240—GENERAL RULES AND REGULA- TIONS, SECURITIES EXCHANGE ACT OF 1934

SOLICITATION OF PURCHASES ON AN EXCHANGE TO FACILITATE DISTRIBUTION OF SECURITIES

The Securities and Exchange Commission, deeming it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof, hereby

1. Amends paragraph (d) (3) of § 240.10b-2 [Rule X-10B-2]¹ to read as follows:

§ 240.10b-2 *Solicitation of purchases on an exchange to facilitate a distribution of securities.* * * *

(d) * * *

(3) The provisions of this exemption shall terminate at the close of business on July 31, 1943, unless the Commission otherwise determines.

2. And declares the special offering plans of the New York Stock Exchange, New York Curb Exchange, and San Francisco Stock Exchange, as now effective, to be effective until the close of business on July 31, 1943, unless the Commission otherwise determines, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may send at least ten days' notice to any of said Exchanges terminating the effectiveness of their respective plans.

Effective January 27, 1943.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1361; Filed, January 26, 1943;
2:41 p. m.]

¹ 7 F.R. 807, 2865, 5209.

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1392]

PART 328—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 8

ORDER GRANTING RELIEF

Order amending order granting temporary and conditionally final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

On May 6, 1942, 7 F.R. 3872, an order granting temporary relief and conditionally providing for final relief was issued by the Bituminous Coal Division in the above-entitled matter in which, among other matters, price classifications and minimum prices were established for the New Cinderella Mine (Mine Index No. 5418) of the Cinderella Coal Corporation and for the Consolidation #207 Mine (Mine Index No. 5445) of Consolidation Coal Company for all shipments except truck and for truck shipments.

On June 24, 1942, 7 F.R. 4757, upon motion of District Board No. 8, an order amending order granting temporary and conditionally final relief was issued in this matter in which the order of May 6, 1942, was amended to provide that the relief granted to the New Cinderella Mine of Cinderella Coal Corporation and the Consolidation #207 Mine of Consolidation Coal Company should not become final until October 1, 1942.

A motion to modify order was filed in this matter with the Division on September 12, 1942, by District Board No. 8 requesting an amendment to the Order of May 6, 1942, to effect the following changes in the price classifications and minimum prices for the coals of the New Cinderella Mine of the Cinderella Coal Corporation for all shipments except truck and for truck shipments:

FOR DESTINATIONS OTHER THAN GREAT LAKES

From "G" to "C" in Size Group 10.
From "F" to "D" in Size Groups 11-17, incl.
From "M" to "K" in Size Groups 18-21, incl.
From "O" to "L" in Size Group 22.

FOR GREAT LAKES CARGO ONLY

From "G" to "C" in Size Group 10.
From "K" to "J" in Size Groups 16-17, incl.
From "M" to "K" in Size Groups 18-21, incl.
From "O" to "L" in Size Group 22.

FOR TRUCK SHIPMENTS

From 2.10 to 2.20 in Size Group 3.
From 2.00 to 2.10 in Size Group 6.
From 1.45 to 1.55 in Size Group 7.
From 1.40 to 1.50 in Size Group 8.

In its motion to modify order, District Board No. 8 represents that recent sampling of the coals produced from the New Cinderella Mine in the size groups for which revised price classifications and minimum prices are requested revealed that such coals are relatively low in ash content and comparable to and of equal market value with other coals produced from mines operating in the Winifrede

Seam in the same subdistrict and that the price classifications and minimum prices requested are the same as those for such other coals in the Winifrede Seam.

A motion to reopen proceeding and modify order amending order granting temporary and conditionally final relief was filed with the Division on October 14, 1942, by District Board No. 8 requesting the same relief as the motion to modify order, filed September 12, 1942, with respect to the New Cinderella Mine of the Cinderella Coal Corporation, and, in addition, requesting that the order amending order granting temporary and conditionally final relief of June 24, 1942, be amended to provide that the final relief granted therein to Consolidation #207 Mine (Mine Index No. 5445) of Consolidation Coal Company be made temporary and that it shall not become final until February 1, 1943.

In its motion to reopen proceeding and modify order amending order granting temporary and conditionally final relief filed October 14, 1942, District Board No. 8 represents that on October 1, 1942, Consolidation #207 Mine had not entered into regular commercial production by reason of the fact that such mine had not then received all its equipment, and, therefore, petitioner was not in a position to inspect or sample the coals as loaded for purposes of analysis and for a determination of proper permanent classifications.

It appears that the motion to modify order and the motion to reopen proceeding and modify order amending order granting temporary and conditionally final relief have been duly served upon all interested persons, that no opposition to the requests for relief have been filed with the Division, and that good reason has been shown for granting the motions.

It is therefore ordered, That the motion to modify order be and it hereby is granted.

It is further ordered, That commencing forthwith § 328.11 (Alphabetical list of code members) and § 328.34 (General prices for high volatile coals in cents per net ton for shipment into all market areas) are supplemented to include the following price classifications and minimum prices for the New Cinderella Mine (Mine Index No. 5418) of the Cinderella Coal Corporation in lieu of those established by Order of May 6, 1942:

FOR DESTINATIONS OTHER THAN GREAT LAKES

"C" in Size Group 10.
"D" in Size Groups 11-17, incl.
"K" in Size Groups 18-21, incl.
"L" in Size Group 22.

FOR GREAT LAKES CARGO ONLY

"C" in Size Group 10.
"J" in Size Groups 16-17, incl.
"K" in Size Groups 18-21, incl.
"L" in Size Group 22.

FOR TRUCK SHIPMENTS

2.40 in Size Group 3.
2.30 in Size Group 6.
1.75 in Size Group 7.
1.70 in Size Group 8.

It is further ordered, That the relief herein granted with respect to the New Cinderella Mine shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

It is further ordered, That the motion to reopen proceeding and modify order amending order granting temporary and conditionally final relief be and it hereby is granted to the extent indicated herein.

It is further ordered, That commencing forthwith, the schedules of effective minimum prices for District No. 8 for all shipments except truck and for truck shipments are modified to provide that the price classifications and minimum prices of the Consolidation #207 Mine (Mine Index No. 5445) of Consolidation Coal Company shall be temporary until March 1, 1943, at which time they shall become final, unless it shall otherwise be ordered.

It is further ordered, That pleadings in opposition to the aforesaid motions in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That in all other respects the order of May 6, 1942, in the above-entitled matter be and the same shall remain in full force and effect.

Dated: January 23, 1943.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 43-1322; Filed, January 26, 1943;
12:19 p. m.]

[Docket No. A-1796]

PART 330—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 10

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 10 for the establishment of price classifications and minimum prices for the coals of certain mines.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 330.25 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered. That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 General prices in cents per net ton for shipment into all market areas—
Supplement T

Code member index	Mine No.	Mine	Seam	Prices and size group numbers														
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
SECTION NO. 5																		
M'DONOUGH COUNTY																		
Bunt, Earl.....	1619	Bunt's.....	2	260	255	250	240	235	230	175	170	165	160	160	160	130	120	65
SCHUYLER COUNTY																		
Grossage, Fred.....	1621	Hill Top #2..	2	260	255	250	240	235	230	175	170	165	160	160	160	130	120	65

[F. R. Doc. 43-1323; Filed, January 26, 1943; 12:20 p. m.]

[Docket No. A-1816]

PART 331—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 11

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 11 for establishment of price classifications and minimum prices for Mine Index No. 1375.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Engles Mine, Mine Index No. 1375, of Wm. A. Engles (Engles Coal Company); and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief herein granted may be

(45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in Proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 331.24 General prices in cents per net ton for shipment into all market areas—
Supplement T

Code member index	Mine No.	Mine	Seam	Prices and size group numbers														
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
CLAY COUNTY																		
Engles, Wm. A. (Engles Coal Company).	1375	Engles.....	B	315	250	270	260	255	250	220	220	200	190	160	160	120	85	35

[F. R. Doc. 43-1326; Filed, January 26, 1943; 12:19 p. m.]

[Docket No. A-1800]

PART 332—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 12

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 12 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 12.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 12; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the matter hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is further ordered. That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: January 15, 1943.

[SEAL] DAN H. WHEELER,
Director.

It is ordered. That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.2 (Alpha-betical list of Code Members) is amended by adding thereto Supplemental R, and § 322.24 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are herein-after set forth and hereby made a part hereof.

It is further ordered. That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in Proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered. That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Price classifications and minimum prices have not been established for the

8 F.R. 258, under the name of the American Coal Company (T. D. Macksey).

Dated: January 14, 1943.

(SEAL) DAN H. WHEELER,
Director.

(SEAL)

Dated: January 14, 1943.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 12

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and supplements thereto.

FOR RAIL SHIPMENTS

§ 332.2 Alphabetical list of code members—Supplement R

Code member	Mine index No.	Mine name	Mine origin group	Originating railroad	Mine origin group No.
American Coal Co. (Cleo K. Bennett)	788	American	Harvey	C. B. & Q.	37
Beard, Byron (Beard Coal Co.)	225	Beard Coal Co.	Knockville Flagler	C. B. & Q.	69
Lokese, Gil (Producers Coal Co.)	688	Producers Coal Co.	Knockville	C. B. & Q.	39
Mescher Coal Co. (Ira Mescher)	330	Mescher	Percy Swan	Wab.-C. B. & Q.	80

1 Indicates mines shipping via public sidings and ramps for railway delivery.

2 Denotes additional shipping point and new mine origin group number.

3 Denotes additional shipping point and new mine origin group number.

FOR TRUCK SHIPMENTS

§ 332.24 General prices in cents per net ton for shipment into all market areas—Supplement T

Code member index	Mine index No.	Mine	Price group No.	County	Chunk	Standard, lump	Small, 4 x 2"	Egg, 3 x 2", 4 x 2"	Not 2 x 1 1/2"	Dom. stock, 1 1/2" x 1 1/2"	Green, 1 1/2" x 1 1/2"	Ind. stock, 2" x 1 1/2", 1 1/2" x 1 1/2"	5/8" x 0
X-1 Coal Co. (Noble French)	837	#2	18	Marion	305	295	275	285	275	275	165	225	105

[F. R. Doc. 43-1324; Filed, January 26, 1943; 12:30 p. m.]

(Docket No. A-1809)

PART 340—MINIMUM PRICE SCHEDULE, DISTRICT NO. 20

ORDER GRANTING RELIEF

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 20 for the establishment of price classifications and minimum prices for the Muddy Creek Mine.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Muddy Creek Mine, Mine Index No. 208, of code member Crawford Carlyle in Subdistrict 1 of District No. 20 for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 340.4 (Code member price index) is amended by adding thereto Supplement T-I, and § 340.21 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T-II, which supplements are hereinafter

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 20

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 340, Minimum Price Schedule for District No. 20, and supplements thereto.

FOR TRUCK SHIPMENTS

The following price classifications and minimum prices shall be inserted in Minimum Price Schedule for District No. 20:

§ 340.4 Code member price index—Supplement T-I

Insert the following listing in proper alphabetical order under Code Member Index:

Producer	Mine	Mine index No.	County	Sub-district price group	Prices, section
Carlyle, Crawford	Muddy Creek	208	Emery	1	340.21

§ 340.21 General prices in cents per net ton for shipment into all market areas—Supplement T-II

Insert the following code member name, mine name, mine index number and county under Subdistrict No. 1, and the following minimum f. o. b. mine prices in cents per net ton:

Code member mine name	Mine index No.	County	Size groups	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
SUBDISTRICT NO. 1																		
Carlyle, Crawford, Muddy Creek	208	Emery	201	231	236	216	221	161	136	96	86	56	46	21	141	111	86	

[F. R. Doc. 43-1325; Filed, January 26, 1943; 12:19 p. m.]

set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: January 14, 1943.

(SEAL)

DAN H. WHEELER,
Director.

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Suspension Order S-155,¹ Amendment 1]

FARGO FOUNDRY COMPANY

Section 1010.155, *Suspension Order 155*, paragraph (d), is amended to read as follows:

(d) This order shall take effect on November 25, 1942 and shall terminate on January 25, 1943, after which latter date it shall have no further force and effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 26th day of January 1943.

CURTIS E. CALDER,

Director general for Operations.

[F. R. Doc. 43-1364; Filed, January 26, 1943; 4:31 p. m.]

PART 938—SYNTHETIC RUBBER

[General Preference Order M-13 as Amended Jan. 22, 1943]²

Whereas, the national defense requirements have created a shortage of synthetic rubber, as hereinafter defined, for defense, for private account and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof:

Now, therefore, it is hereby ordered, That:

§ 938.1 *General Preference Order M-13*—(a) *Definitions*. For the purposes of this order:

(1) "Synthetic rubber" means all neoprenes; all butadiene types, such as the materials known by the trade names of Hycar, Perbunam, Chemigum, and Buna "S"; organic polysulphides known by the trade names of Thiokol; butyl rubber; poly iso butylene, such as the material known by the trade names of Vistanex and Synthetic "100"; and the material known by the trade name of Thiokol "RD."

(2) "Producer" means any person engaged in the production of synthetic rubber and includes any person who has synthetic rubber produced for him pursuant to toll agreement.

(b) *Applicability of Priorities Regulation No. 1*. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof

may be inconsistent therewith, in which case the provisions of this order shall govern.

(c) *Restrictions on deliveries*. On and after January 1, 1942, no deliveries of synthetic rubber (not including poly iso butylene, such as the material known by the trade names of Vistanex and Synthetic "100," as to which the operative date shall be February 1, 1942) shall be made by any producer, except as may be specifically directed by the Director General for Operations; and no person shall accept delivery of synthetic rubber made in violation of the foregoing clause. At the beginning of each calendar month the Director General for Operations will issue to all producers specific directions covering deliveries of synthetic rubber which may be made by such producers during such month. Such directions will be made primarily to insure the satisfaction of all defense requirements and to provide an adequate supply for essential civilian uses, and they may be made at the discretion of the Director General for Operations without regard to any preference rating assigned to particular contracts or orders.

(d) *Intra-company transactions*. The prohibitions or restrictions contained in this order with respect to deliveries shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise owned or controlled by the same person.

(e) *Reports*. Reports shall be made by producers at such times, on such forms and with respect to such matters as shall be prescribed by the Chemicals Division of the War Production Board. In addition persons who order or receive synthetic rubber from a producer shall furnish to the Chemicals Division of the War Production Board information with respect to requirements and use of such material at such times and on such forms as the said Chemicals Division shall prescribe. All persons shall furnish such other and further information as the Chemicals Division may deem necessary for the orderly and effective operation of this order.

(f) *Notification of customers*. Producers shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but the failure to give such notice shall not excuse any person from the obligation of complying with the terms of this order.

(g) *Violations or false statements*. Any person who violates this order, or who wilfully falsifies any records which he is required to keep by the terms of this order, or by the Director General for Operations, or otherwise wilfully furnishes false information to the Director General for Operations or to the War Production Board may be deprived of priorities assistance or may be prohibited by the Director General for Operations from obtaining further deliveries of ma-

terials subject to allocation. The Director General for Operations may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) Any action which, under the terms of this order, is to be taken by the Director of Priorities, the Director of Industry Operations or the Director General for Operations, may be taken by either the Director General for Operations or the Rubber Director.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719, sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of January 1943.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 43-1407; Filed, January 27, 1943; 11:07 a. m.]

PART 940—RUBBER AND BALATA AND PRODUCTS OF WHICH RUBBER OR BALATA IS A COMPONENT

[Supplementary Order M-15-e as Amended Jan. 22, 1943]¹

RESTRICTION OF TRANSACTIONS IN RUBBER LIFE SAVING SUITS

§ 940.7 *Supplementary Order M-15-e*—(a) *Definitions*. (1) "Life saving suit" means any buoyant water tight suit made in whole or in part of rubber, latex, reclaimed rubber, scrap rubber or any of the compositions generally known as synthetic rubber, designed for use by seamen as a device for rescuing or preserving the lives of seamen from wrecked vessels.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(b) *General restriction on the purchase and sale of life saving suits*. Except as provided in paragraph (c) hereof no person shall purchase any life saving suit except:

(1) To provide necessary equipment for ocean and coastwise cargo and tank vessels of over 1,000 gross tons for the purpose of providing one approved life saving suit for each person on board as required by regulations prescribed by the United States Coast Guard (Title 46, Chapter II, Subchapter O, § 153.12) and

(2) Only upon compliance with rules, regulations, instructions or directions concerning the purchase and sale of life saving suits to be issued from time to time by the United States Coast Guard. No person shall sell any life saving suit except pursuant to such rules, regulations, instructions or directions issued by

¹ 7 F.R. 9774.

² This document is a restatement of Amendment 2 to General Preference Order M-13 which appeared in the FEDERAL REGISTER of January 26, 1943, page 1094, and reflects the order in its completed form as of January 22, 1943.

¹ This document is a restatement of Amendment 1 to Supplementary Order M-15-e which appeared in the FEDERAL REGISTER of January 26, 1943, page 1094, and reflects the order in its completed form as of January 22, 1943.

the United States Coast Guard, or if he knows or has reason to believe that such life saving suit is being acquired or is to be used for any purpose other than is permitted by this order.

(c) *Exceptions.* The provisions of paragraph (b) shall not prohibit the purchase or sale of life saving suits in any case in which:

(1) Such purchase or sale has been expressly authorized by the Director General for Operations.

(2) Such purchase is made by or for the account of the United States Army, Navy or Coast Guard.

(3) Such purchase is made by any agency of the United States for the account of any foreign country under the provisions of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(4) Such purchase is made by a dealer in life saving suits for the purpose of resale.

(d) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, sales and products.

(e) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time.

(f) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed be addressed to War Production Board, Washington, D. C. Ref: M-15-e.

(g) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 as amended from time to time, except to the extent that any provision of this order may be inconsistent therewith, in which case such provision shall govern.

(i) Any action which, under the terms of this order, is to be taken by the Director of Industry Operations or the Director General for Operations, may be taken by either the Director General for Operations or the Rubber Director.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-1408; Filed, January 27, 1943; 11:07 a. m.]

No. 19—2

PART 940—RUBBER AND BALATA AND PRODUCTS OF WHICH RUBBER OR BALATA IS A COMPONENT

[Supplementary Order M-15-f as Amended Jan. 22, 1943]¹

ORDER RESTRICTING THE USE OF RUBBER CEMENTS AND ADHESIVES

Whereas the fulfillment of the requirements for the defense of the United States has created a shortage in the supply of rubber for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 940.8 *Supplementary Order M-15-f*—(a) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Rubber cement" means any type of cement, adhesive or coating made in whole or in part of crude rubber, latex, reclaimed rubber or scrap rubber.

(b) *Restriction on the use of rubber cement.* Except as otherwise permitted by general or special authorization of the Director General for Operations, no person who for compensation or profit engages in manufacturing, repairing, combining, laminating, coating, impregnating or otherwise treating any luggage, handbags, belts for wearing apparel, pocketbooks, wallets, key rings or cases, hats or other millinery, cosmetic appliances, cosmetic bags, tobacco pouches, furs or embroidered or other materials for emblems, pennants, chevrons, appliques or other similar decorative material, or in laminating, combining or treating any fabrics or materials, or in manufacturing shoes, shall use any rubber cement in manufacturing, repairing, combining, laminating, coating, impregnating or treating any such products or materials; except that rubber cement may be used (i) in the following operations only in the manufacture or repair of shoes: Cutting and fitting room operations, bed and side lasting, folding, gem duck, heel breasting, insole rib and lip, moccasin seam, prewelt, platform attaching (but only if no equipment for the use of another method is available), rand, soft box toe, sole attaching, semi-automatic toe lasting (but only if no equipment for the use of another method is available), unishank, leather welting, channelling McKay shoes and Littleway sewed shoes (but no others), and shoe repair, and (ii) in the manufacture, application or repair of any products for the manufacture of which crude rubber, latex, reclaimed rubber or scrap rubber may be consumed under the provisions of § 940.3 (Supplementary Order No. M-15-b) as amended from time to time.

(c) *Restriction on the purchase and sale of rubber cement.* No person shall purchase rubber cement for the purpose

of using such rubber cement for any of the purposes for which rubber cement may not be used under the provisions of paragraph (b) hereof; nor shall any person sell, trade, transfer or deliver, or offer to sell, trade, transfer or deliver, any rubber cement to any other person if he knows or has reason to believe such other person intends or proposes to use such rubber cement for any of the purposes prohibited by paragraph (b) hereof.

(d) *Exceptions as to supplies on hand.* Notwithstanding the restrictions imposed by paragraph (b) of this order, any person who on July 31, 1942, had in his possession any rubber cement which he purchased or was holding for his own use for any of the purposes prohibited by paragraph (b) may use in operations prohibited by paragraph (b) hereof an amount of rubber cement not exceeding five gallons.

(e) *Miscellaneous provisions*—(1) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the Priorities Regulations of the War Production Board, as amended from time to time.

(2) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, purchases, production and sales of rubber cement and the uses to which such persons put rubber cement now owned or hereafter acquired by them.

(3) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as the Board shall from time to time require.

(4) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(5) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, materials under priority control and may be deprived of priorities assistance.

(6) *Appeals.* Any person affected by this order who considers that compliance with this order would work an exceptional and unreasonable hardship upon him or that it would result in a problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief to the War Production Board, setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(7) *Communications.* All communications concerning this order shall be addressed to: Rubber and Rubber Prod-

¹ This document is a restatement of Amendment 1 to Supplementary Order M-15-f which appeared in the FEDERAL REGISTER of January 26, 1943, page 1094, and reflects the order in its completed form as of January 22, 1943.

ucts Division, War Production Board, Washington, D. C., Ref.: Supplementary Order M-15-f.

(f) Any action which, under the terms of this order, is to be taken by the Director General for Operations, may be taken by either the Director General for Operations or the Rubber Director.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a) Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-1409; Filed, January 27, 1943;
11:07 a. m.]

PART 980—RAYON YARN

[General Preference Order M-37-d]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of rayon yarn for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 980.5 General Preference Order M-37-d—(a) General effect of the order. This order shall on February 1, 1943, supersede Supplementary Order M-37-c.

(b) Applicability of priorities regulations. This order and all transactions affected thereby are subject to all applicable provisions of Priorities Regulations of the War Production Board, as amended from time to time.

(c) Additional definitions. For the purposes of this order:

(1) "Rayon yarn" means continuous filament rayon yarn made by the viscose, cuprammonium, or acetate process.

(2) "Fine rayon yarn" means rayon yarn of 300 deniers or finer.

(3) "Reserved domestic yarn" means the fine rayon yarn set aside for domestic consumption pursuant to the provisions of this order.

(4) "Yarn-dyed silk" means silk which was fast dyed before being woven or knitted.

(5) "Producer" means any person who produces rayon yarn.

(6) "Domestic manufacturer" means any person who consumed silk, nylon or rayon in the first six months of 1941.

(7) "Fabric converter" means any person who prior to July 26, 1941, bought silk, nylon or rayon, and caused it to be woven or knit for him on commission.

(8) "Basic monthly poundage" for any month means a poundage in terms of 100 denier rayon yarn equal to the monthly average number of pounds of raw silk (or its thrown silk equivalent) and/or nylon consumed by a person during the first six months of the year 1941. In applying the above definition to a domestic manufacturer, poundage consumed shall refer to the poundage consumed by the domestic manufacturer on his own machinery. In the case of a fabric converter, it shall

refer to the poundage knit or woven by others for his account.

(9) "Current factor" for any month means a percentage which shall be established by the Director General for Operations. For the month of February, 1943, such factor shall be 100%. For the month of March, 1943, and for every month thereafter until such time as a different factor is established, such factor shall be 85%.

(10) "Current monthly eligibility" means a poundage calculated as follows: Multiply the basic monthly poundage by the current factor.

(11) "The equivalent of the current monthly eligibility" means a poundage calculated as follows: Divide the current monthly eligibility by 100 and multiply the result by the denier desired, but in no event by more than 200.

(d) Allocation of certain types of viscose rayon yarn. No producer shall sell or deliver any rayon yarn of the following types produced by him on or after March 1, 1943, except to persons authorized by the Director General for Operations to receive delivery of such yarn:

Viscose rayon yarn qualifying as yarn of 250 denier or coarser and having an average tenacity designation of 31 or higher in accordance with Table of Designations attached hereto, irrespective of elongation, in tests made under the following conditions:

(1) Yarns with three turns per inch twist shall be used.

(2) Yarn shall be conditioned until it reaches a regain equilibrium, approached from the dry side, in an atmosphere of 70 degrees Fahrenheit and 57% relative humidity.

(3) The loading rate on a constant-rate-of-loading machine shall be from 30 to 35, inclusive, grams per denier per minute. The loading rate on a pendulum type machine shall not exceed 35 grams per denier per minute.

(4) A denier tolerance of 3%, plus or minus, on deniers of 250 to 300 shall be allowed, based on the average denier of the lot tested. A denier tolerance of 2%, plus or minus, on deniers coarser than 300 shall be allowed, based on the average denier of the lot tested.

Any person desiring to receive deliveries of any such yarn from a producer or from the Defense Supplies Corporation in the month of March, 1943, shall file an application for an allocation for such month with the War Production Board on Form PD-739 not later than February 10, 1943. Any person desiring to receive deliveries on or after April 1, 1943, shall file an application for an allocation for the calendar quarter in which such deliveries are desired on Form PD-739 not later than the fifteenth day of the month preceding the month before the quarter in which such deliveries are desired.

(e) Allocations of amounts of rayon yarn for domestic manufacturers. Each producer shall, on and after February 1, 1943, each day set aside, to the extent that he possesses spindles capable of producing such fine rayon yarns,

(1) An amount of fine viscose or cuprammonium yarn equal to the production of 17% of the total number of his active spindles producing viscose or cu-

prammonium yarns of any denier, excluding from such total the number of spindles the production from which is equivalent to that required for filling rated orders, and for producing rayon yarn of the types specified in paragraph (d).

(2) An amount of fine acetate yarn equal to the production of 6% of the total number of his active spindles producing acetate yarns of any denier, excluding from such total the number of spindles the production from which is equivalent to that required for filling rated orders, and for producing rayon yarn of the types specified in paragraph (d).

The reserved domestic yarn thus set aside shall be selected in various denier sizes so as to yield an average denier equal to or less than the average denier of the fine rayon yarn set aside for silk replacement prior to April 1, 1942.

(f) Disposition of domestic allocation—(1) Specific allocations. (i) Amounts of reserved viscose, cuprammonium and acetate yarns equal to the production of 0.5% of the remaining spindles referred to in paragraph (e) shall be held by the producer for disposition according to specific allocations.

(ii) Persons desiring to participate in such amounts of reserved domestic yarn shall file application on Form PD-102. Any allocation made by the Director General for Operations will be evidenced by an order on Form PD-112, the original and two signed duplicates of which will be forwarded to the applicant. The applicant shall then, in order to secure the yarn, forward to the producer the two signed duplicates with his purchase order. Such order shall be accepted by the producer except under circumstances in which defense orders may be rejected pursuant to Section 944.2 of Priorities Regulation No. 1. If a purchaser's order is rejected, the provisions of Section 944.3 of Priorities Regulation No. 1 shall apply as if such order were a defense order, and the producer rejecting the order shall immediately notify the War Production Board, stating the reasons for his unwillingness to accept.

(2) General allocations. (i) To the extent and under the conditions set forth in (ii) below, amounts of reserved viscose and cuprammonium yarns equal to the production of 16.5% of the remaining spindles referred to in paragraph (e) (1) shall be made available, immediately and without further Governmental action, to domestic manufacturers and fabric converters for the manufacture of hosiery to replace their former consumption of silk and nylon, and for the manufacture of other products to replace their former consumption of yarn dyed silk, and amounts of reserved acetate yarn equal to the production of 5.5% of the remaining spindles referred to in paragraph (e) (2) shall be made available in the same manner to domestic manufacturers and fabric converters for the manufacture of any product to replace their former consumption of silk and nylon.

(ii) No producer shall deliver any reserved domestic yarn to any fabric converter or domestic manufacturer, and

no fabric converter shall deliver any reserved domestic yarn to any domestic manufacturer, unless such purchaser shall have filed with the producer or fabric converter, as the case may be, a certificate, in duplicate, on Form PD-113 for each of the following capacities in which such yarn is to be received by him:

(a) As a domestic manufacturer replacing silk and nylon formerly consumed on his own machinery,

(b) As a fabric converter replacing silk and nylon formerly sent out by him for commission weaving or knitting,

and, in case such purchaser is a fabric converter, unless he shall have also filed with the producer the certificates received by him from each commission weaver or knitter who has a current monthly eligibility and by whom such yarn is to be woven or knit.

(iii) No producer or fabric converter shall make delivery of any such reserved domestic yarn to any domestic manufacturer or fabric converter, as the case may be, which he knows, or has reason to believe, will result in the receipt by such domestic manufacturer or fabric converter in that calendar month of an amount of reserved domestic yarn in excess of such recipient's equivalent of the current monthly eligibility for that month, or, together with stocks on hand, will increase such recipient's inventory of reserved domestic yarn in the aggregate to above one and one-half times such equivalent. No domestic manufacturer or fabric converter shall order, purchase, or accept from all sources for delivery in any one calendar month an amount of reserved domestic yarn in excess of the equivalent of the current monthly eligibility for that month, or own, control or otherwise hold as inventory at any time an amount of reserved domestic yarn in excess of one and one-half times the equivalent of the current monthly eligibility. For the purposes of this subparagraph inventory shall include all reserved domestic yarn owned, controlled, or otherwise held by the domestic manufacturer or fabric converter up to the time that it is placed on the knitting machine, loom or other similar fabricating machine.

(iv) In making deliveries of such reserved domestic yarn pursuant to subparagraph (ii), hosiery manufacturers operating knitting machines of 51 gauge and finer producing full-fashioned hosiery, or machines of 360 needle and finer producing seamless hosiery, shall be given first preference in the 50 and 65 denier sizes, and those operating knitting machines of 45 gauge and finer, producing full-fashioned hosiery, or machines of 320 needle and finer, producing seamless hosiery, shall be given first preference in the 75 denier size, such preferences to be granted in the production of any one month on the basis of orders placed with the producer on or before the final date set by such producer for receiving orders to be filled out of such production for such month: *Provided, however*, That nothing in this subparagraph shall relieve the producers from reserving and disposing of the proper proportions of such denier sizes pursuant to paragraph (f) (1) above. Manufacturers claiming

such preferences shall not use any reserved domestic yarn so obtained upon any machines other than those specified herein in granting such preferences.

(g) *Prohibitions against discriminatory action by producers.* In making sales or deliveries of any rayon yarn, no person shall make discriminatory cuts in amounts or quantities between former customers and new customers or between new customers, who meet such person's regularly established prices and terms, and, except as provided in paragraph (f) (2) (iv) no person shall discriminate between such former customers, new customers, and his own consumption of such rayon yarn in any capacity: *Provided, however*, That sales or deliveries of reserved domestic yarn to domestic manufacturers for the manufacture of hosiery pursuant to paragraph (f) (2) which are not in excess of quantities necessary to permit of economical operation by the manufacturer, taking into account the size of the manufacturer's plant and the equipment therein, shall in no case be considered as resulting in discriminatory acts to others. In determining the regular eligibility for rayon yarn other than reserved domestic yarn of customers of any producer (i. e., the amount of the residual supply, after providing for reserved domestic yarn which the producer will sell to such customer) in accordance with whatever method consistent with this paragraph is adopted by the producer, amounts of reserved domestic yarn to which any customer may be entitled shall not be considered in computing such regular eligibility nor shall such regular eligibility be diminished by the amounts of such reserved domestic yarn.

(h) *Prohibitions against sale of reserved domestic yarn in yarn form.* No reserved domestic yarn shall be resold or exchanged in yarn form by any domestic manufacturer or fabric converter except upon the specific authorization of the Director General for Operations.

(i) *Disposition of reserved yarn not delivered in any month.* All reserved domestic yarn set aside for specific allocation or required to be made available for domestic consumption pursuant to Supplementary Order M-37-c, or set aside pursuant to the provisions of this order, shall be distributed in accordance with the provisions of Supplementary Order M-37-c prior to February 1, 1943, or in accordance with the provisions of this order thereafter, or held by the producer until disposed of, specifically allocated or released by the Director General for Operations.

(j) *Changes of machinery.* In the event that knitting machines, looms or similar fabricating machines which consumed the basic monthly poundage of the domestic manufacturer in the first half of 1941, are, or have been, moved from one location to another, scrapped, their operation discontinued, or their ownership or operation changed, the person or persons concerned shall immediately advise the Director General for Operations, who shall thereupon take any necessary action in connection therewith, including any appropriate revisions of the basic monthly poundage, and the assignment of appropriate basic

monthly poundages to any new owners or operators thereof.

(k) *Doubtful cases.* Whenever there is reasonable doubt as to the eligibility of any person to receive reserved domestic yarn hereunder, the matter should be referred for determination to the Director General for Operations.

(l) *Reports and records.* (1) Each producer with whom Forms PD-112 and PD-113 are filed in duplicate shall promptly forward to the War Production Board, Textile, Clothing and Leather Division, Appeal Section, Washington, D. C., one duplicate of each such certificate endorsed as follows: "Supplied by our order No. ____" filling in the number of such supply order, together with a copy of his letter, or other form, accepting the purchaser's order.

(2) Each producer shall file with the War Production Board monthly allocation reports on Form PD-103, monthly production reports on Form PD-104, and such other reports as may hereafter be required, giving information on the yarn produced, when so required, in terms of the attached table of designations. Each fabric converter and domestic manufacturer shall also file with the War Production Board such reports as may hereafter be required.

(3) All persons operating under this order shall keep and preserve such certificates and records, including a complete file of invoices covering deliveries of rayon yarn, for not less than two years, as will clearly and adequately show their methods and rates of operation hereunder.

(m) *Communications to the War Production Board.* All reports, applications, forms or communications required under or referred to in this order, and all communications concerning this order, shall, unless otherwise directed, be addressed to War Production Board, Textile, Clothing and Leather Division, Washington, D. C., Ref: M-37-d.

(n) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter referring to the particular provisions appealed from and stating fully the grounds of the appeal.

(o) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of January 1943.

CURTIS E. CALDER,
Director General for Operations.

TABLE OF DESIGNATIONS

Tenacity designation	Range covered (grams per denier)	Elongation designation	Range covered (percent)
13	1.39 and lower	10	10.5 and less.
15	1.40-1.59	12	10.6-12.9
17	1.60-1.79	14	13.0-14.9
19	1.80-1.99	16	15.0-16.9
21	2.00-2.19	18	17.0-18.9
23	2.20-2.39	20	19.0-20.9
25	2.40-2.59	22	21.0-22.9
27	2.60-2.79	24	23.0-24.9
29	2.80-2.99	26	25.0 and over.
31	3.00-3.19		
33	3.20-3.39		
35	3.40-3.59		
37	3.60-3.79		
39	3.80 and over		

In designating yarn in accordance with the above table, the tenacity designation (an odd number) should be given first and the elongation designation (an even number) should be given next. For example, a yarn of a tenacity of 2.45 grams per denier and with an elongation of 13.6% would be referred to in terms of the above table as Type 25-14.

[F. R. Doc. 43-1410; Filed, January 27, 1943; 11:06 a. m.]

PART 1013—CHLORINATED RUBBER

[General Preference Order M-46 as Amended January 22, 1943¹]

Whereas the national defense requirements have created a shortage of chlorinated rubber for defense, for private account and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 1013.1 *General Preference Order M-46*—(a) *Definitions*. For the purposes of this order:

(1) "Chlorinated rubber" means the reaction product of chlorine and crude rubber containing 55% to 75% of chlorine by weight, and includes the products known by the trade names of Parlon and Raolin.

(2) "Producer" means any person engaged in the production of chlorinated rubber, and includes any person who has chlorinated rubber produced for him pursuant to toll agreement, or who has purchased or purchases chlorinated rubber for purposes of resale.

(b) *Priorities Regulation 1*. Control of the supply and direction of the distribution of chlorinated rubber is hereby taken by the Director General for Operations and all future transactions of any kind in chlorinated rubber are regulated and covered by the provisions and definitions contained in *Priorities Regulation 1* (Part 944), as amended, except as otherwise specifically provided herein.

(c) *Restrictions on deliveries*. No producer shall, on or after November 1, 1941, make deliveries of any chlorinated rubber except as specifically directed by the Director General for Operations. At the beginning of each calendar month the Director General for Operations will issue to all producers specific directions covering deliveries of chlorinated rubber which may be made by such producers during such month.

(d) *Records and reports*. In addition to the records and reports required by

Priorities Regulation 1, hereinabove referred to, any person who receives or orders chlorinated rubber from a producer at any time after November 1, 1941 shall furnish to the Director General for Operations, War Production Board, attention Chemicals Division, Washington, D. C., information with respect to his requirements and use of such material at such times and on such forms as the Chemicals Division of the War Production Board shall prescribe, together with any other information which said Chemicals Division may deem necessary for the orderly and effective operation of this order.

(e) *Revocation of previous directions*. This order supersedes and revokes all previous orders, directions, and instructions heretofore issued by the Director of Priorities, the Director of Industry Operations and the Director General for Operations applicable to chlorinated rubber, to the extent that they may be inconsistent herewith: *Provided, however*, That nothing herein contained shall in any way affect or modify the order with respect to deliveries of chlorinated rubber heretofore on the 13th day of October 1941, issued by the Director of Priorities to Hercules Powder Company, Inc.

(f) *Restrictions on use*. Except as may be otherwise directed by the Director General for Operations, on and after February 23, 1942,

(1) No person shall use chlorinated rubber for a use not specified below:

(i) As a paint, for interior use (not including floor coating) in industrial plants where resistance to chemical corrosion is required. As a paint, for interior use in arsenals. For marine use in ship-bottom and submarine paints.

(ii) For flame-proofing fabric for military use.

(iii) For tracer bullets.

(iv) For adhering natural and synthetic rubber articles to metal.

(v) For core binder cement for use in the manufacture of products by or for the Army or Navy of the United States or the United States Maritime Commission.

(2) No person shall knowingly deliver chlorinated rubber for a use not specified in paragraph (f) (1) above.

(3) The provisions of this paragraph (f) shall apply with respect to stocks of chlorinated rubber on hand on February 23, 1942. Persons who have stocks of chlorinated rubber on hand on February 23, 1942, the use of which said stocks is prohibited by provisions of this paragraph (f), shall forthwith report such fact and the details thereof to the Chemicals Division, War Production Board, and shall hold such chlorinated rubber for disposition by the Director General for Operations.

(g) *Notification of consumers*. Producers shall, as soon as practicable, notify each of their regular consumers of the requirements and restrictions contained in this order, but the failure to give such notice shall not excuse any person for the obligation of complying with the terms of this order.

(h) *Appeals*. Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon

him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of chlorinated rubber conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board, Reference: M-46, attention Chemicals Division, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(i) Any action which, under the terms of this order, is to be taken by the Director of Priorities, the Director of Industry Operations or the Director General for Operations, may be taken by either the Director General for Operations or the Rubber Director.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of January 1943.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 43-1411; Filed, January 27, 1943; 11:07 a. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

[Amendment 1 to Limitation Order L-170, as Amended Jan. 19, 1943]

Subdivision (ii) of paragraph (c) (1) of § 1029.10 *Limitation Order L-170 as amended* is hereby amended by deleting therefrom the quota percentage "130%" and inserting in lieu thereof the quota percentage "160%."

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of January 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1412; Filed, January 27, 1943; 11:06 a. m.]

PART 1171—ELEVATORS

[General Conservation Order L-89, as Amended Jan. 27, 1943]

Section 1171.1 *General Conservation Order L-89 as heretofore amended* is further amended to read as follows:

The fulfillment of the requirements for the defense of the United States has created a shortage in the supply of certain critical materials used in the manufacture of elevators for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1171.1 *General Conservation Order L-89*—(a) *Definitions*. For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust,

¹ This document is a restatement of Amendment 3 to General Preference Order M-46 which appeared in the FEDERAL REGISTER of January 26, 1943, page 1094, and reflects the order in its completed form as of January 22, 1943.

corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Elevator" means any hoisting and lowering mechanism, equipped with a car or platform which moves in guides in a substantially vertical direction; including hydraulic, hydro-electric and hand power elevators, dumbwaiters, home-lifts, elevettes; but excluding mine material hoists and portable elevators. The term shall also mean inclinator, and electrically operated passenger elevating devices appurtenant to stationary stairways.

(3) "Essential hardware" means metal fastenings, reinforcing angles and plates, gate guides and shoes, recess panels, interlocks, pulleys, gate counterweights and car light fixtures, used in the manufacture or repair of elevators.

(4) "Manufacture" means the production or construction of an elevator, or the production of any parts, equipment or accessories to be attached to or incorporated in any elevator; or the assembly of any parts, equipment or accessories for the purpose of producing or constructing an elevator or any portion thereof; but does not include assembly or installation of the finished sections or portions of an elevator at the site of ultimate use of the elevator.

(5) "Manufacturer" means any person who manufactures any new elevator or any parts, equipment, or accessories to be attached to or incorporated in any elevator, and includes any sales or distribution outlets controlled by any such person.

(6) "Dealer" means any person who purchases new elevator parts, equipment or accessories for resale but does not include any sales or distribution outlets controlled by any manufacturer.

(7) "Order" means any commitment or other arrangement for the delivery of an elevator or parts or accessories therefor; and includes any group of purchase orders for equipment planned or anticipated for related deliveries, or to serve a common purpose, with respect to an elevator.

(8) "Restricted order" means any order (i) for a new elevator; or (ii) for changing the method of operation or control of any elevator then existing; or (iii) for parts, equipment, or accessories of any kind to be incorporated in, or installed on, any elevator then existing. For purposes of this paragraph, "operation" means the method of actuating the controller; and "control" means the system of regulation by which the starting, stopping, direction of motion, acceleration, speed, and retardation of an elevator are governed.

(b) *Restrictions on acceptance of orders for and manufacture of elevator and parts.* (1) Except as otherwise provided in this paragraph or in paragraph (c) no person shall (i) accept any restricted order, or (ii) commence the manufacture of any elevator or any elevator parts, equipment or accessories in fulfillment of any restricted order; unless the order has been authorized by the Director General for Operations as provided in paragraph (c). An authorization granted by the Director General for Operations under paragraph (c) shall meet the requirements of this paragraph,

whether such authorization was issued before or after January 27, 1943.

(2) The limitations and restrictions of this paragraph shall not apply; (i) to any order for parts, equipment or accessories (other than for maintenance and repair, as defined in paragraph (e)) in an aggregate amount not in excess of \$25.00, for installation on any single elevator; or (ii) to any order (or to manufacture in fulfillment of any order) placed with a supplier by a manufacturer or dealer for any elevator or parts to be delivered to the latter for resale or further manufacture, but such limitations and restrictions shall apply to any resale of such elevator or parts, or of the elevator into which any such parts shall be incorporated. For the purposes of this subparagraph, delivery by any such supplier to the purchaser designated by any such manufacturer or dealer shall be deemed delivery to the manufacturer or dealer and resale by him.

(c) *Procedure for securing authorization for restricted orders.* The authorization of the Director General for Operations required by paragraph (b) shall be obtained by the purchaser who may make application therefor on Form PD-411. The Director General for Operations may grant any such application upon such conditions, if any, as he shall specify. The authorizations of the Director General for Operations on Form PD-411 may also grant to the order, if theretofore unrated, a preference rating.

(d) *Restrictions on use of materials.* (1) No non-ferrous metals, or stainless or alloy steel shall be used in the manufacture of hoistway doors, car doors or gates, car or landing thresholds, face plates of operating or signal fixtures; or in the manufacture of parts therefor.

(2) No non-ferrous metals or steel shall be used in the manufacture of hanger cover plates, facias, passenger cabs (not including gates or doors), or freight elevator side guards or car gates; or in the manufacture of parts therefor; except that this restriction shall not apply to essential hardware.

(3) The provisions of this paragraph shall not apply to manufacture of the items specified above from material which was fabricated on January 27, 1943, to the point where use for other purposes would be impracticable.

(e) *Non-applicability to maintenance and repair.* The limitations and restrictions of paragraph (b) shall not apply to any order (1) for maintenance and repair parts in an aggregate amount not exceeding \$500 for any single elevator to be repaired or maintained, or (2) for repair parts in any amount for any elevator when, and only when, there has been an actual breakdown or suspension of operations of the elevator because of the necessity for repair and the essential repair parts are not otherwise available. As used in this paragraph "maintenance" shall mean the upkeep of an elevator or elevator structure in sound working condition; and "repair" shall mean the restoration, without change of design, of any portion of an elevator or elevator structure to sound working condition, when such portion has been rendered inoperative or unsafe or unfit for service by wear and tear,

damage, destruction or failure of parts, or other similar causes.

(f) *Schedules.* (1) On or before the 10th day of February, 1943, and of each succeeding calendar month, every manufacturer shall file with the War Production Board a report on Form PD-562, giving such information as shall be required by said form. (2) Regardless of the terms of any other order, rule or regulation of the War Production Board, the Director General for Operations may at any time prescribe a production or delivery schedule for any manufacturer; direct the delivery of any elevator or elevator parts, equipment, or accessories, in production or completed to any person; or direct the cancellation of any order held by any manufacturer. In the event that the Director General for Operations shall prescribe a schedule, as above provided, the manufacturer shall, to the extent possible, produce and deliver in accordance therewith, and shall make no changes therein without the specific authorization of the Director General for Operations.

(g) *Miscellaneous provisions — (1) Exemptions.* The limitations and restrictions of paragraphs (b), (c) and (d) of this order shall not apply to any elevator or elevator parts, equipment or accessories to be installed and used aboard any ship owned or operated by the Army, Navy, Maritime Commission or War Shipping Administration.

(2) *Records and reports.* All persons affected by this order shall keep and preserve for not less than 2 years accurate and complete records concerning inventories, production and sales.

All persons affected by this order shall execute and file with the War Production Board, such reports and questionnaires as the Director General for Operations shall from time to time request.

(3) *Other limitation orders.* Where the limitations imposed by any other L or M Order are applicable to the subject matter of this order, the most restrictive limitation shall apply, unless otherwise specifically provided herein.

(4) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(6) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, General Industrial Equipment Division, Washington, D. C. Ref.: L-89.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th

Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of January 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1406; Filed, January 27, 1943;
11:06 a. m.]

**PART 1184—QUININE AND OTHER DRUGS
EXTRACTED FROM CINCHONA BARK**

[Conservation Order M-131, as Amended
Jan. 27, 1943]

§ 1184.1 *Conservation Order M-131—*
(a) *Definitions.* For the purposes of this order:

(1) "Quinine" means quinine alkaloid extracted from Cinchona bark, and the quinine salts derived from quinine alkaloid.

(2) "Cinchona bark" means the bark obtained from Cinchona Succirubra P. et K. Calisaya W; C. Ledgeriana N. et T., also known as Calisaya, Peruvian or Jesuit's bark, and from its hybrids.

(3) "Totaquine" means a mixture of alkaloids from the bark of Cinchona Succirubra Pavon and other species of Cinchona, which mixture meets the standards of the United States Pharmacopeia.

(4) "Anti-malarial agent" means any product or material which according to modern medical opinion, is recognized as a specific for suppression, alleviation or cure of malarial infections.

(b) *Restrictions on the purchase, sale and use of quinine, totaquine and cinchona bark.* (1) No person shall sell, transfer or deliver, or purchase or accept any transfer or delivery of, or process or combine with other materials:

(i) Any quinine, except for use as an anti-malarial agent, and then only in ampoule form, uncombined with ingredients other than necessary solvent and preservative, or in powder, 5-grain tablet, or 5-grain capsule form, uncombined with ingredients other than necessary fillers and excipients: *Provided, however,* That licensed pharmacists may compound quinine in any form, upon individual prescriptions written by licensed physicians for quinine as an anti-malarial agent;

(ii) Any totaquine, except for use as an anti-malarial agent;

(iii) Any cinchona bark, except for primary use for the manufacture of quinine sulphate USP, quinine hydrochloride USP, quinine dihydrochloride USP, or totaquine USP.

(2) Except in the case of a sale, transfer or delivery to an ultimate consumer, no person shall sell, transfer or deliver any quinine, totaquine or cinchona bark, except upon receipt of a certificate manually signed by the person purchasing or accepting transfer or delivery or a duly authorized official, in substantially the following form, and specifying on the reverse side the quantity involved in the transaction:

(In the case of quinine)

I hereby certify that the quinine ordered hereby (specify quantity on reverse side) is for use as an anti-malarial agent, and will not be sold, transferred or delivered by me

for any other purpose. This certification is made in accordance with the terms of Conservation Order M-131, as amended, with which I am familiar.

Name _____
By _____

(In the case of totaquine)

I hereby certify that the totaquine (or product containing totaquine) ordered hereby (specify quantity on reverse side) is for use as an anti-malarial agent and will not be sold, transferred or delivered by me for any other purpose. This certification is made in accordance with the terms of Conservation Order M-131, as amended, with which I am familiar.

Name _____
By _____

(In the case of cinchona bark)

I hereby certify that the cinchona bark ordered hereby (specify quantity on reverse side) is for primary use for manufacture of quinine or totaquine, and will not be sold, transferred or delivered by me for any other purpose. This certification is made in accordance with the terms of Conservation Order M-131, as amended, with which I am familiar.

Name _____
By _____

Such certification shall constitute a representation to the War Production Board and the seller or supplier of the facts stated therein. The seller or supplier shall be entitled to rely on such representation unless he knows or has reason to believe it to be false. Any person making such certification shall use such quinine, totaquine or cinchona bark only for the purposes permitted by this order. Such certificates shall be filed with the person making delivery and not with the War Production Board.

(c) *Applicability of order.* The restrictions and provisions of this order shall not apply to:

(1) Any stock of cinchona bark consisting of less than 50 pounds, physically located at any one place on April 30, 1942.

(2) Purchases by importers of quinine, totaquine, or cinchona bark to be delivered from outside the continental United States: *Provided,* That any subsequent dealing in such materials after their importation is governed by this order.

(3) Any transaction affecting, or any use of, any quinine which on April 4, 1942, or totaquine or cinchona bark which on April 30, 1942, had been combined or compounded with other medicinal agents; but any transaction affecting or any use of, any quinine, totaquine, or cinchona bark, which has been combined or compounded with other medicinal agents after said dates is governed by this order.

(4) Any transaction affecting, or any use of, any quinine and urea hydrochloride (U.S.P.) or quinine hydrochloride and urethane which had been compounded on January 9, 1943.

(5) Any transaction affecting, or any use of, any anti-malarial agent manufactured on or before January 9, 1943, pursuant to the provisions of this order M-131 as in effect prior to January 9, 1943: *Provided, however,* That a certificate in the form and in the manner

prescribed by paragraph (b) (2) hereof, shall be filed for each sale, transfer or delivery pursuant to this paragraph (c) (5). The word "quinine" in such certificate shall be construed to include any such quinine anti-malarial agent.

(d) *Reports.* All persons affected by this order shall file such reports as may be required from time to time by the Director General for Operations.

(e) *Applicability of priorities regulations.* This order and all transactions affected hereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(f) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter referring to the particular provision appealed from and stating fully the grounds of the appeal.

(g) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Drugs and Cosmetics Section, Chemicals Division, Washington, D. C. Ref.: M-131.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of January 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1413; Filed, January 27, 1943;
11:06 a. m.]

PART 3080—CHEMICAL FERTILIZERS

[Revocation of Conservation Order M-231]

The subject matter thereof having been reissued with certain amendments over the signature of the Secretary of Agriculture:

Section 3080.1 *Conservation Order M-231* is hereby revoked in its entirety.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 27th day of January 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-1414; Filed, January 27, 1943;
11:07 a. m.]

Chapter XI—Office of Price Administration
PART 1306—IRON AND STEEL
[MPR 310]

REUSABLE STRUCTURAL STEEL SHAPES AND
PLATES, AND SHAFTING

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for sales of reusable structural steel shapes and plates, and reusable steel shafting, by a separate maximum price regulation. Heretofore, maximum prices for these products have been established by Revised Price Schedule No. 49—Resale of Iron and Steel Products.¹ The Price Administrator has ascertained and given due consideration to the prices of such reusable products prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Maximum Price Regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with Revised Procedural Regulation No. 1,² issued by the Office of Price Administration, Maximum Price Regulation No. 310 is hereby issued.

Sec.

- 1306.551 Definitions.
- 1306.552 Maximum prices.
- 1306.553 Taxes.
- 1306.554 Less than maximum prices.
- 1306.555 Geographical application.
- 1306.556 Evasion.
- 1306.557 Records and reports.
- 1306.558 Licensing order applicable.
- 1306.559 Enforcement.
- 1306.560 Petitions for amendment.
- 1306.561 Applicability of other maximum price regulations or revised price schedules.
- 1306.562 Effective dates.

AUTHORITY: §§ 1306.551 to 1306.562, inclusive, issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

§ 1306.551 Definitions. (a) When used in this regulation the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any

other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Reusable structural steel shape" means any used I-beam, H-column, wide flange section, channel, angle, Z-bar, tee, rod, flat, strip, structural steel bar or other used structural steel shape; it also includes crop ends of unused shapes originating in shipbuilders' or in other fabricators' yards or plants; all of suitable size and quality without further reconditioning for use for the purposes for which new structural steel shapes are customarily used, and meeting all of the following specifications: they must be commercially straight, free from excessive rust, detrimental attachments, and pits deeper than twenty percent of the original theoretical thickness; must weigh within seven and one-half percent of the theoretical weight of new shapes of the same dimensions; and must not have been damaged by heat or fire; and the theoretical cross-sectional area at any point shall not have been reduced by more than twenty percent, nor shall the total area of the repaired surface of any piece exceed ten percent of the total surface area of that piece.

(3) "Reusable structural steel plate" means any used structural steel plate, one-eighth of an inch or thicker, including unused crop ends originating in shipbuilders' or other fabricators' yards or plants, of suitable size and quality without further reconditioning for use for the purposes for which new structural steel plates are customarily used, and meeting all of the following specifications: they must be reasonably true to line, free from excessive rust, detrimental attachments, and pits deeper than twenty percent of the original theoretical thickness, must weigh within seven and one-half percent of the theoretical weight of new plate of the same dimensions, and must not have been damaged by heat or fire, and the total area of the repaired surface must not exceed ten percent of the total area of that piece.

(4) "Reusable steel shafting" means used steel shafting of any size and length, and unused crop ends originating in shipbuilders' or other fabricators' yards or plants, meeting all of the following specifications: they must be commercially straight, free from excessive rust, pits and abrasions, and must not have been damaged by heat or fire.

(5) "Consumer" means a person who purchases reusable structural steel shapes or reusable structural steel plates, or reusable steel shafting for his own use or for use as an integral part of a fabricated unit.

(6) "Shipping point" means, in the case of a shipment wholly or partially by rail, vessel, or combination thereof, the point at which such shipment has been placed on a railroad car or a vessel for shipment to the consumer; in the case of shipment solely by motor vehicle, the point at which such shipment has been loaded on such vehicle for shipment to the consumer; and in a case in which movement by motor vehicle precedes rail or vessel movement the point at which the shipment has been placed on

a railroad car or a vessel for shipment to the consumer.

§ 1306.552 Maximum prices.—(a) Maximum shipping point price. On and after February 1, 1943, regardless of any contract, agreement, lease or other obligation, no person shall sell or deliver reusable structural steel shapes, reusable structural steel plates, or reusable steel shafting (herein sometimes collectively referred to as "such reusable products") to a consumer, and no consumer shall buy or accept delivery of any such reusable products at a price higher than 2.75 cents per pound, at shipping point, and no such person or consumer shall agree, offer, solicit or attempt to do any of the above. The provisions of this section shall not apply to sales or deliveries of such reusable products to a consumer if prior to February 1, 1943, such products had been received by a carrier other than a carrier owned or controlled by the seller for shipment to the consumer.

(b) Maximum extras for services. Whenever, at the specific request of the consumer, one or more pieces are cut, or drilled, an extra charge may be made for each such service: *Provided*, That the total of these charges shall not exceed one-fourth cent per pound. The extra charge may be added only to the price for the piece or pieces on which the service or services are performed.

(c) Maximum charges for delivery. The maximum delivery charge shall be the established charge from the shipping point to the point of delivery by the mode of transportation employed: *Provided*, That no charge may be made for delivery within the seller's customary free delivery area. Where transportation from shipping point to point of delivery includes water movement and if no established charge exists for such movement, then the actual charge incurred in such movement may be included in the delivery charge. Where transportation from shipping point to point of delivery includes water movement and there are no established dock charges the actual charges incurred at the dock may be included in the delivery charge. For the purposes of this regulation, such reusable products are at their point of delivery when they have arrived for unloading at the point designated by the buyer: *Provided*, That if the buyer designates a point away from a railroad siding and delivery is by rail, they are at their point of delivery when they have arrived for unloading at the rail siding nearest the point designated by the buyer.

(d) Maximum delivered prices. The maximum delivered prices for such reusable products sold to a consumer shall not exceed the sum of the maximum shipping point price, maximum extra charges when applicable and the maximum delivery charges.

(e) Maximum prices for export. Maximum prices at which a person may sell such reusable products to any person, whether or not a consumer, for export may not exceed the maximum prices established by this regulation for sales to consumers.

(f) Adjustable pricing. Any person may offer or agree to adjust or fix prices

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 1300, 2132, 2473, 2540, 3330, 3893, 4342, 5176, 6385, 6893, 6935, 7239, 8948, 10844; 8 F.R. 319.

² 7 F.R. 8961.

to or at prices not in excess of the maximum prices in effect at the time of delivery and, where a petition for amendment has been made pursuant to § 1306.560 of this regulation, may offer or agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1306.553 *Taxes.* As to any tax upon, or incidental to, the sale or delivery of such reusable products imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, if the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

§ 1306.554 *Less than maximum prices.* Lower prices than those set forth in this regulation may be charged, demanded, paid or offered.

§ 1306.555 *Geographical application.* The provisions of this regulation shall be applicable to the forty-eight States and the District of Columbia.

§ 1306.556 *Evasion.* The price limitations set forth in this regulation shall not be evaded by direct or indirect methods.

§ 1306.557 *Records and reports.* (a) Every person making a sale of such reusable products after January 31, 1943, shall render an invoice to the consumer for each such sale, showing separately the date; name and address of the consumer; a description of each item (indicating whether I-beam, H-column, channel, angle, steel plate, shafting, etc.), including the measurements (length, width and thickness, or length and diameter in the case of shafting), and the total quantity in lineal feet (or square feet) and the total weight; the shipping point price per pound; the total price; the delivery charge (if any); and the charge (if any) for extras; the city or town and state nearest the shipping point; the city or town and state nearest the point of delivery; and the mode of transportation used to deliver the product; except that in the case of the bulk sales a public scale receipt may be substituted for the description of each item. The seller must also show on each invoice by the word "used" that each such reusable product is not new or of new quality, and the invoice must bear the words "sold subject to Maximum Price Regulation No. 310." Such invoice shall be retained by the consumer, and a copy shall be retained by the seller, for inspection by the Office of Price Administration, for a period of not less than two years, or as long as the Emergency Price Control Act of 1942 shall be in effect, whichever is shorter.

(b) Persons affected by this regulation shall submit such other or further

reports to the Office of Price Administration as it may from time to time require.

§ 1306.558 *Licensing order applicable.* The provisions of Supplementary Order No. 17,² licensing persons subject to Revised Price Schedules 46⁴ and 49,⁵ and Maximum Price Regulation 159⁶ are applicable to every person selling such reusable products for which maximum prices are established by this regulation. That order provides in substance that a license is required of every person selling such reusable products for which maximum prices are established by this regulation, that every person subject to this regulation is granted a license as a condition of selling such reusable products hereunder, and that every such person may in the future be required to register with the Office of Price Administration at such time and in such manner as the Administrator may prescribe. Licensees violating any of the provisions of this regulation or of said license are subject to the license suspension proceedings provided in the Emergency Price Control Act of 1942.

§ 1306.559 *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

§ 1306.560 *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.⁷

§ 1306.561 *Applicability of other maximum price regulations or revised price schedules—(a) Revised Price Schedule No. 49.* This regulation supersedes § 1306.159 (1) of Revised Price Schedule No. 49 as to sales for which maximum prices are established by this Regulation.

(b) *Revised Price Schedule No. 4.* Maximum prices for used structural steel shapes and plates and shafting, and crop ends from structural steel shapes and plates and shafting, which do not meet the specifications described in § 1306.551 (a) (2), (3) and (4), are established by Revised Price Schedule No. 4—Iron and Steel Scrap. Revised Price Schedule No. 4 established maximum prices only on sales to consumers as defined therein.

§ 1306.562 *Effective dates.* (a) This Maximum Price Regulation No. 310 (§§ 1306.551 to 1306.562 inclusive) shall become effective February 1, 1943.

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1341; Filed, January 26, 1943;
3:00 p. m.]

² 7 F.R. 7239, 11007.

⁴ 7 F.R. 1295, 2132, 2508, 3446, 8948, 10523.

⁵ See supra footnote 1.

⁶ 7 F.R. 4339, 5710, 4428, 8948, 8 F.R. 970.

⁷ See supra footnote 2.

⁸ See supra footnote 5.

⁹ 7 F.R. 1207, 2132, 2155, 2507, 3087, 3550, 3889, 4488, 6217, 8190, 8948, 10151; 8 F.R. 857.

PART 1340—FUEL

[MPR 137; Amendment 19]

PETROLEUM PRODUCTS SOLD AT RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.86 a new paragraph (e) is added, in § 1340.90 (a) subparagraph (12) is amended, and in § 1340.91 a new paragraph (1) is added as set forth below:

§ 1340.86 *Statement and posting of maximum prices of motor fuels sold at retail establishments.* * * *

(e) (1) Any person subject to the provisions of this Maximum Price Regulation No. 137 selling naphthas, solvents, mineral spirits, kerosene, No. 1 fuel oil and heavier distillate fuel oil as anti-freeze preparations at retail establishments shall file with the appropriate War Price and Rationing Board within 5 days after February 1, 1943, or the initial sale, whichever is later, a written statement setting forth the following with respect to such petroleum fractions:

(i) The seller's maximum price as determined by § 1340.91 (1),
(ii) The delivered cost at the particular retail establishment, and
(iii) A description thereof by reference to trade name and type, such as naphtha type or kerosene type.

(2) Any change in delivered cost of naphthas, solvents, mineral spirits, kerosene, No. 1 fuel oil and heavier distillate fuel oil sold as an anti-freeze preparation shall be reported in writing to the appropriate War Price and Rationing Board within 5 days after such change occurs.

§ 1340.90 *Definitions.* (a) * * *

(12) "Petroleum products" means motor fuel as defined in § 1340.90 (a) (2), kerosene, range oil, No. 1 fuel oil, cleaner's or other naphthas, motor lubricating oil and solvents, mineral spirits, and all distillate fuel oils and other petroleum fractions when sold as anti-freeze preparations.

§ 1340.91 *Appendix A: Maximum prices for petroleum products sold at retail establishments.* * * *

(1) (1) The maximum price at a retail establishment for naphthas, solvents, mineral spirits, kerosene, No. 1 fuel oil or heavier distillate fuel oil shall be the sum of the delivered cost per gallon thereof at the retail establishment and 3¢ per gallon. The maximum price for the particular product at the particular retail establishment shall be automatically adjustable as the delivered cost thereof at the particular retail establishment changes. For the purposes of this paragraph (1) the delivered cost shall be deemed to change

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 3165, 3749, 4273, 4653, 4780, 4853, 5363, 5868, 5941, 6057, 6217, 7902, 8353, 8938, 8948, 9335, 10684, 11008, 11112, 11075; 8 F.R. 231, 232.

only after the seller has sold an amount equal to the volume on hand at the time the change in delivered cost occurs.

(2) In connection with each sale at a retail establishment of naphthas, solvents, mineral spirits, kerosene, No. 1 fuel oil or heavier distillate fuel oil as an anti-freeze preparation, the seller shall notify the purchaser that the anti-freeze preparation is a petroleum fraction describing it by reference to type such as naphtha type or kerosene type and that the preparation may cause overheating and rubber deterioration.

§ 1340.93a Effective dates of amendments. * * *

(t) Amendment No. 19 (§§ 1340.86 (e), 1340.90 (a) (12), 1340.91 (1)) to Maximum Price Regulation No. 137 shall become effective February 1, 1943, and shall, unless earlier revoked or replaced, expire on March 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1340; Filed, January 26, 1943; 2:59 p. m.]

PART 1340—FUEL

[RPS 88,¹ Amendment 60]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.157, paragraph (b) is amended and in § 1340.159 (c) (3), a new subdivision (xiii) is added as set forth below:

§ 1340.157 Definitions. * * *

(b) "Petroleum products" means:

All grades of gasoline, including natural gasoline and blending naphthas; also special hydrocarbon fractions utilized in the manufacture of gasoline or the components thereof.

Liquefied petroleum gases.

Tractor distillates and similar distillate type motor fuels other than gasoline.

Kerosene, including range oil or stove oil.

Distillate burning, heating or fuel oils.

Diesel fuel oils.

Residual burning, heating or fuel oils.

Lubricating oils, including motor, aviation and stock oils (neutrals, bright stocks, steam refined stock and other stocks oils).

Naphthas, solvents, mineral spirits and other petroleum fractions when sold as anti-freeze preparations.

Paving and cut-back asphalts, asphalt emulsions, road oils, roofing asphalt and roofing flux.

For the time being industrial lubricating oils, industrial naphthas and solvents, greases, and specialty products (such as household oils and spot removers) are excluded from the list of petroleum products subject to Revised Price Schedule No. 88.

Asphalts and asphalt products not listed above are not for the time being included in the term "petroleum products" as defined above.

§ 1340.159 Appendix A: Maximum prices for petroleum and petroleum products. * * *

(c) *Specific prices.* * * *

(3) *Distillate fuel oils.* * * *

(xiii) *Petroleum fractions sold as anti-freeze preparations in 1-gallon glass jars.* (a) The maximum price of kerosene, No. 1 fuel oil and heavier distillate fuel oils when sold as anti-freeze preparations in 1-gallon glass jars shall be 30¢ a gallon f. o. b. manufacturer's plant: *Provided, however,* That in the States of Oregon, Washington, California, Idaho, Montana, Nevada, Utah, Arizona, Colorado, New Mexico and Wyoming the maximum price for kerosene, No. 1 fuel oil and heavier distillate fuel oils when sold as anti-freeze preparations in 1-gallon glass jars shall be 33¢ a gallon f. o. b. manufacturer's plant.

(b) The maximum price of naphthas, solvents and mineral spirits, when sold as anti-freeze preparations in 1-gallon glass jars shall be 35¢ a gallon, f. o. b. manufacturer's plant: *Provided, however,* That in the States of Oregon, Washington, California, Idaho, Montana, Nevada, Utah, Arizona, Colorado, New Mexico and Wyoming the maximum price for naphthas, solvents, mineral spirits and other petroleum fractions lighter than kerosene when sold as anti-freeze preparations in 1-gallon glass jars shall be 38¢ a gallon f. o. b. manufacturer's plant.

(c) The maximum price of a petroleum fraction when sold by the manufacturer thereof as an anti-freeze preparation in bulk or in any container other than a 1-gallon glass jar shall be a price f. o. b. the manufacturer's plant determined in accordance with § 1340.159 (b) (7) of this Revised Price Schedule No. 88.

(d) There shall be placed on each 1-gallon glass jar or other container of naphthas, solvents, mineral spirits, kerosene, No. 1 fuel oil and heavier distillate fuel oil sold as an anti-freeze preparation by the manufacturer thereof a label immediately below the brand name of the product containing a statement in 12 point bold face or larger type setting forth the following: "Type—(Kerosene or Naphtha)—May cause overheating and rubber deterioration."

(e) The maximum price delivered to a retail establishment which any jobber or distributor of naphthas, solvents, mineral spirits, kerosene, No. 1 fuel oil and heavier distillate fuel oil sold as an anti-freeze preparation may charge shall be the sum of the maximum price thereof f. o. b. the manufacturer's plant, the cost per gallon of transportation from the

manufacturer's plant to the storage facilities of the jobber or distributor, and 2¢ per gallon. The maximum price of the jobber or distributor shall be automatically adjustable as the cost of transportation from manufacturer's plant to the storage facilities of the jobber or distributor changes. For the purposes of this provision the cost of transportation shall not be deemed to change until the seller has sold an amount equal to the volume on hand at the time the change in transportation cost occurs.

(f) The maximum price delivered to a retail establishment which any reseller having no storage facilities may charge for naphthas, solvents, mineral spirits, kerosene, No. 1 fuel oil and heavier distillate fuel oil sold as an anti-freeze preparation shall be the sum of the maximum price thereof f. o. b. the manufacturer's plant and 2 cents.

§ 1340.158a Effective dates of amendments. * * *

(hhh) Amendment No. 60 (§§ 1340.157 (b), 1340.159 (c) (3) (xiii)) to Revised Price Schedule No. 88 shall become effective February 1, 1943, and shall, unless earlier revoked or replaced, expire on March 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1342; Filed, January 26, 1943; 2:59 p. m.]

PART 1340—FUEL

[RPS 88,¹ Amendment 61]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the consideration involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

A new subdivision (ix) is added to § 1340.159 (c) (6) as set forth below:

§ 1340.159 Appendix A: Maximum prices for petroleum and petroleum products. * * *

(c) *Specific prices.* * * *

(6) *Residual fuel oils.* * * *

(ix) *California.* The maximum prices, exclusive of taxes, f. o. b. refineries for Pacific Standard No. 300 fuel oil having a viscosity of not less than 25 and not more than 60 seconds Saybolt Furol (at 122° F.) and of Pacific Standard No. 400 fuel oil having a viscosity of not less than 60 seconds Saybolt Furol (at 122° F.) when sold to consumers or refiners in bulk lots for delivery by tank car or motor transport shall be as follows:

¹ 7 F.R. 1107, 1371, 1798, 1799, 1886, 2132, 2304, 2352, 2634, 2945, 3463, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 5983, 6057, 6067, 6471, 6680, 7242, 7838, 8433, 8478, 9120, 9134, 9335, 9425, 9460, 9620, 9621, 10684, 11069, 11112, 11075; 8 F.R. 157, 232, 233, 857.

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 1371, 1107, 1798, 1799, 2132, 2304, 2352, 2634, 2945, 3116, 3166, 3482, 3524, 3552, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478, 8586, 8701, 8741, 8829, 8938, 8948, 9130, 9134, 9335, 9425, 9460, 9620, 10684, 11069, 11112, 11075; 8 F.R. 157, 232, 233, 857.

Area	P. S. No. 300 fuel oil	P. S. No. 400 fuel oil
Fresno County.....	\$0.95	\$0.85
Kings County.....	.95	.85
San Luis Obispo County.....	.95	.85
Tulare County.....	.95	.85
Santa Barbara County.....	.95	.85
Kern County.....	.95	.85
Ventura County.....	.95	.85
Los Angeles County.....	.95	.85
Orange County.....	.95	.85
Riverside County.....	.95	.85
San Bernardino County.....	.95	.85
San Francisco Bay Area.....	1.00	.90

§ 1340.158a *Effective dates of amendments.* * * *

(iii) Amendment No. 61 (§ 1340.159 (c) (6) ix) to Revised Price Schedule No. 88 shall become effective February 1, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1343; Filed, January 26, 1943;
3:00 p. m.]

Name of defense-rental area ¹	In State or States of—	Defense-rental area consists of:
(133) Roswell.....	New Mexico.....	Counties of Chaves, Curry, DeBaca, and Roosevelt.
(218) Marfa-Alpine.....	Texas.....	Counties of Brewster and Presidio.

¹ The words "Defense-rental area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "Dothan-Ozark Defense-Rental Area", "Gadsden Defense-Rental Area."

This Amendment No. 11 (§ 1388.1201) to Designation and Rent Declaration No. 25 shall become effective February 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1353; Filed, January 26, 1943;
3:02 p. m.]

¹ 7 F.R. 9955; 8 F.R. 542.

² 7 F.R. 3195, 3892, 4179, 5812, 6389, 7245, 8356, 8507, 9954, 10081; 8 F.R. 121.

Name of defense-rental area ¹	In State or States of—	Defense-rental area consists of—
(21) Laredo-Eagle Pass.....	Texas.....	Counties of Maverick and Webb.

¹ The words "Defense-rental area" shall follow the name listed in the table in each case to constitute the full name of the defense-rental area, e. g., "Dover-Seaford Defense-Rental Area", "Aberdeen, Mississippi Defense-Rental Area."

PART 1351—FOOD AND FOOD PRODUCTS [Correction to MPR 275¹]

EXTRACTED HONEY

The reference to "paragraph (c)" in § 1351.1319 (b) (4) is corrected to read "paragraph (e)".

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871)

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1344; Filed, January 26, 1943;
2:59 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 25,¹
Amendment 11]

DESIGNATION OF 262 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

Items (133) and (218) listed in the table in § 1388.1201 of Designation and Rent Declaration No. 25 are amended to read as follows:

§ 1388.1201 *Designation.* * * *

This Amendment No. 1 (§ 1388.1301) to Designation and Rent Declaration No. 27 shall become effective February 1, 1943.

(Pub. Law. 421, 77th Cong.)

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1354; Filed, January 26, 1943;
3:01 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 28,¹
Amendment 1]

DESIGNATION OF THE NEWPORT-WALNUT RIDGE DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

Section 1388.1311 of Designation and Rent Declaration No. 28 is amended to read as follows:

§ 1388.1311 *Designation.* The following area is hereby designated by the Price Administrator as an area where defense activities threaten to result in an increase in rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Newport-Walnut Ridge Defense-Rental Area":

In the State of Arkansas, the Counties of Craighead, Independence, Jackson, Lawrence, and Randolph.

This Amendment No. 1 (§ 1388.1311) to Designation and Rent Declaration No. 28 shall become effective February 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1355; Filed, January 26, 1943;
3:02 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Designation and Rent Declaration 31,¹
Amendment 3]

DESIGNATION OF 46 DEFENSE-RENTAL AREAS AND RENT DECLARATION RELATING TO SUCH AREAS

Items (3), (27), and (38) listed in the table in § 1388.1341 of Designation and Rent Declaration No. 31 are amended to read as follows:

¹ 7 F.R. 4797.

² 7 F.R. 7942; 8 F.R. 122.

§ 1388.1341 Designation. * * *

Name of defense-rental area ¹	In State of—	Defense-rental area consists of—
(3) Arkansas.....	Arkansas.....	That portion of the State of Arkansas not heretofore designated by the Price Administrator as part of any defense-rental area, except the County of Randolph (which becomes a part of the Newport-Walnut Ridge Defense-Rental Area, effective February 1, 1943).
(27) New Mexico.....	New Mexico..	That portion of the State of New Mexico not heretofore designated by the Price Administrator as part of any defense-rental area, except the Counties of Curry, DeBaca, and Roosevelt (which become a part of the Roswell Defense-Rental Area, effective February 1, 1943).
(38) Texas.....	Texas.....	That portion of the State of Texas not heretofore designated by the Price Administrator as part of any defense-rental area, except the County of Lampasas (which becomes a part of the Killean-Temple Defense-Rental Area, effective January 1, 1943) and the Counties of Brewster and Webb (which become a part of the Marfa-Alpine Defense-Rental Area and the Laredo-Eagle Pass Defense-Rental Area, respectively, effective February 1, 1943).

¹ The words "Defense-Rental Area" shall follow the name listed in the table in each case to constitute the full name of a defense-rental area, e. g., "Alabama Defense-Rental Area," "Dukes-Nantucket Defense-Rental Area."

This Amendment No. 3 (§ 1388.1341) to Designation and Rent Declaration No. 31 shall become effective February 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1356; Filed, January 26, 1943;
3:02 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 28,¹
Amendment 5]

HOUSING ACCOMMODATIONS OTHER THAN
HOTELS AND ROOMING HOUSES

Subparagraph (10) of paragraph (a) of § 1388.1801 of Maximum Rent Regulation No. 28 is hereby amended to read as follows:

§ 1388.1801 Scope of regulation. (a)

(10) The Portland-Vancouver Defense-Rental Area, consisting of the Counties of Clackamas, Multnomah, Tillamook, and Washington, in the State of Oregon, and the County of Clark, in the State of Washington: *Provided, however*, That with respect to that portion of the Portland-Vancouver Defense-Rental Area consisting of the Counties of Clackamas, Multnomah, and Washington, in the State of Oregon, and the County of Clark, in the State of Washington, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean July 1, 1942, and that with respect to the remaining portion of the Portland-Vancouver Defense-Rental Area, consisting of the County of Tillamook, in the State of Oregon, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean January 1, 1943, and also with respect to the remaining portion of the Port-

land-Vancouver Defense-Rental Area, consisting of the County of Tillamook, in the State of Oregon, the words "October 20, 1942" and "December 1, 1942" in this Maximum Rent Regulation shall mean January 1, 1943.

§ 1388.1814a Effective dates of amendments.

(e) Amendment No. 5 (§ 1388.1801 (a)) to Maximum Rent Regulation No. 28 shall become effective January 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1357; Filed, January 26, 1943;
3:02 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 32A,¹
Amendment 5]

HOTELS AND ROOMING HOUSES

Subparagraph (10) of paragraph (a) of § 1388.2001 of Maximum Rent Regulation No. 32A is hereby amended to read as follows:

§ 1388.2001 Scope of regulation. (a)

(10) The Portland-Vancouver Defense-Rental Area, consisting of the counties of Clackamas, Multnomah, Tillamook, and Washington, in the State of Oregon, and the county of Clark, in the State of Washington: *Provided, however*, That with respect to that portion of the Portland-Vancouver Defense-Rental Area consisting of the counties of Clackamas, Multnomah, and Washington, in the State of Oregon, and the county of Clark, in the State of Washington, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean July 1, 1942, and that with respect to the remaining portion

of the Portland-Vancouver Defense-Rental Area, consisting of the county of Tillamook, in the State of Oregon, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean January 1, 1943, and also with respect to the remaining portion of the Portland-Vancouver Defense-Rental Area, consisting of the county of Tillamook, in the State of Oregon, the words "October 19, 1942" and "December 1, 1942" in this maximum rent regulation shall mean January 1, 1943.

§ 1388.2014a Effective dates of amendments.

(e) Amendment No. 5 (§ 1388.2001 (a)) to Maximum Rent Regulation No. 32A shall become effective January 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1358; Filed, January 26, 1943;
3:01 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 49,¹
Amendment 3]

HOUSING ACCOMMODATIONS OTHER THAN
HOTELS AND ROOMING HOUSES

Subparagraphs (24), (27), and (44) of paragraph (a) of § 1388.131 of Maximum Rent Regulation No. 49 are hereby amended to read as follows:

§ 1388.131 Scope of regulation. (a)

(24) That portion of the Grenada Defense-Rental Area consisting of the counties of Calhoun, Carroll, Grenada, Leflore, Montgomery, and Yalobusha, in the State of Mississippi: *Provided, however*, That with respect to that part of the said portion of the Grenada Defense-Rental Area consisting of the counties of Carroll, Grenada, Leflore, and Montgomery, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean October 1, 1942, and that with respect to the remaining part of the said portion of the Grenada Defense-Rental Area, consisting of the counties of Calhoun and Yalobusha, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean February 1, 1943, and also with respect to the remaining part of the said portion of the Grenada Defense-Rental Area, consisting of the counties of Calhoun and Yalobusha, the words "October 20, 1942" and "December 1, 1942" in this maximum rent regulation shall mean February 1, 1943.

(27) The Roswell Defense-Rental Area, consisting of the counties of Chaves, Curry, DeBaca, and Roosevelt, in the State of New Mexico: *Provided, however*, That with respect to that portion of the Roswell Defense-Rental Area consisting of the county of Chaves, the

¹ 7 F.R. 4913, 5645, 5813, 5912, 6221, 6475, 7404, 7534, 7668, 8505, 8506, 9784, 9821, 10845, 11115; 8 F.R. 122.

¹ 7 F.R. 4926, 5645, 5813, 5912, 6222, 7038, 8507, 8479, 9783, 9820, 11115; 8 F.R. 123, 434.

¹ 7 F.R. 7500, 7668, 8505, 8506, 9784, 9821, 9954, 10845, 11115.

words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean October 1, 1942, and that with respect to the remaining portion of the Roswell Defense-Rental Area, consisting of the counties of Curry, DeBaca, and Roosevelt, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean February 1, 1943, and also with respect to the remaining portion of the Roswell Defense-Rental Area, consisting of the counties of Curry, DeBaca, and Roosevelt, the words "October 20, 1942" and "December 1, 1942" in this maximum rent regulation shall mean February 1, 1943.

(44) The Laredo-Eagle Pass Defense-Rental Area, consisting of the counties of Maverick and Webb, in the State of Texas: *Provided, however*, That with respect to that portion of the Laredo-Eagle Pass Defense-Rental Area consisting of the county of Maverick, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean October 1, 1942, and that with respect to the remaining portion of the Laredo-Eagle Pass Defense-Rental Area, consisting of the county of Webb, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean February 1, 1943, and also with respect to the remaining portion of the Laredo-Eagle Pass Defense-Rental Area, consisting of the county of Webb, the words "October 20, 1942" and "December 1, 1942" in this maximum rent regulation shall mean February 1, 1943.

§ 1388.144a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1388.131 (a)) to Maximum Rent Regulation No. 49 shall become effective February 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1345; Filed, January 26, 1943;
3:03 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 50A,¹
Amendment 3]

HOTELS AND ROOMING HOUSES

Subparagraphs (24), (27), and (44) of paragraph (a) of § 1388.181 of Maximum Rent Regulation No. 50A are hereby amended to read as follows:

§ 1388.181 *Scope of regulation.* (a)

(24) That portion of the Grenada Defense-Rental Area consisting of the counties of Calhoun, Carroll, Grenada, Leflore, Montgomery, and Yalobusha, in the State of Mississippi: *Provided, however*, That with respect to that part of the said portion of the Grenada Defense-Rental Area consisting of the counties of Carroll, Grenada, Leflore, and

Montgomery, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean October 1, 1942, and that with respect to the remaining part of the said portion of the Grenada Defense-Rental Area, consisting of the counties of Calhoun and Yalobusha, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean February 1, 1943, and also with respect to the remaining part of the said portion of the Grenada Defense-Rental Area, consisting of the counties of Calhoun and Yalobusha, the words "October 19, 1942" and "December 1, 1942" in this maximum rent regulation shall mean February 1, 1943.

(27) The Roswell Defense-Rental Area, consisting of the counties of Chaves, Curry, DeBaca, and Roosevelt, in the State of New Mexico: *Provided, however*, That with respect to that portion of the Roswell Defense-Rental Area, consisting of the county of Chaves, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean October 1, 1942, and that with respect to the remaining portion of the Roswell Defense-Rental Area, consisting of the counties of Curry, DeBaca, and Roosevelt, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean February 1, 1943, and also with respect to the remaining portion of the Roswell Defense-Rental Area, consisting of the counties of Curry, DeBaca, and Roosevelt, the words "October 19, 1942" and "December 1, 1942" in this maximum rent regulation shall mean February 1, 1943.

(44) The Laredo-Eagle Pass Defense-Rental Area, consisting of the counties of Maverick and Webb, in the State of Texas: *Provided, however*, That with respect to that portion of the Laredo-Eagle Pass Defense-Rental Area consisting of the county of Maverick, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean October 1, 1942, and that with respect to the remaining portion of the Laredo-Eagle Pass Defense-Rental Area, consisting of the county of Webb, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean February 1, 1943, and also with respect to the remaining portion of the Laredo-Eagle Pass Defense-Rental Area, consisting of the county of Webb, the words "October 19, 1942" and "December 1, 1942" in this maximum rent regulation shall mean February 1, 1943.

§ 1388.194a *Effective dates of amendments.* * * *

(c) Amendment No. 3 (§ 1388.181 (a)) to Maximum Rent Regulation No. 50A shall become effective February 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1346; Filed, January 26, 1943;
3:01 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 53,¹
Amendment 5]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Subparagraphs (3) and (78) of paragraph (a) of § 1388.281 of Maximum Rent Regulation No. 53 are hereby amended to read as follows:

§ 1388.281 *Scope of regulation.* (a)

(3) The Newport-Walnut Ridge Defense-Rental Area, consisting of the counties of Craighead, Independence, Jackson, Lawrence, and Randolph, in the State of Arkansas: *Provided, however*, That with respect to that portion of the Newport-Walnut Ridge Defense-Rental Area, consisting of the counties of Craighead, Independence, Jackson, and Lawrence, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean November 1, 1942, and that with respect to the remaining portion of the Newport-Walnut Ridge Defense-Rental Area, consisting of the county of Randolph, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean February 1, 1943, and also with respect to the remaining portion of the Newport-Walnut Ridge Defense-Rental Area, consisting of the county of Randolph, the words "December 1, 1942" in this maximum rent regulation shall mean February 1, 1943.

(78) The Marfa-Alpine Defense-Rental Area, consisting of the counties of Brewster and Presidio, in the State of Texas: *Provided, however*, That with respect to that portion of the Marfa-Alpine Defense-Rental Area consisting of the county of Presidio, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean November 1, 1942, and that with respect to the remaining portion of the Marfa-Alpine Defense-Rental Area, consisting of the county of Brewster, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean February 1, 1943, and also with respect to the remaining portion of the Marfa-Alpine Defense-Rental Area, consisting of the county of Brewster, the words "December 1, 1942" in this maximum rent regulation shall mean February 1, 1943.

§ 1388.294a *Effective dates of amendments.* * * *

(e) Amendment No. 5 (§ 1388.281 (a)) to Maximum Rent Regulation No. 53 shall become effective February 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1347; Filed, January 26, 1943;
3:01 p. m.]

¹ 7 F.R. 8596, 9784, 9821, 10717, 10845, 11115;
8 F.R. 123.

¹ 7 F.R. 7505, 7668, 8479, 8507, 9783, 9820, 9955, 11115; 8 F.R. 434.

PART 1388—DEFENSE-RENTAL AREAS
[Maximum Rent Regulation 53,¹
Amendment 6]

**HOUSING ACCOMMODATIONS OTHER THAN
HOTELS AND ROOMING HOUSES**

Subparagraphs (76) and (88) of paragraph (a) of § 1388.281 of Maximum Rent Regulation No. 53 are hereby amended to read as follows:

§ 1388.281 Scope of regulation. (a)

(76) The Killeen-Temple Defense-Rental Area, consisting of the counties of Bell, Coryell, and Lampasas, in the State of Texas: *Provided, however,* That with respect to that portion of the Killeen-Temple Defense-Rental Area consisting of the counties of Bell and Coryell, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean November 1, 1942, and that with respect to the remaining portion of the Killeen-Temple Defense-Rental Area, consisting of the county of Lampasas, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean January 1, 1943, and also with respect to the remaining portion of the Killeen-Temple Defense-Rental Area, consisting of the county of Lampasas, the words "December 1, 1942" in this maximum rent regulation shall mean January 1, 1943.

(88) The Pasco Defense-Rental Area, consisting of the county of Franklin and the precincts of Finley, South Kennewick, Kennewick Valley, Kennewick, Kennewick Gardens, and Richland in the county of Benton, in the State of Washington: *Provided, however,* That with respect to that portion of the Pasco Defense-Rental Area consisting of the County of Franklin, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean November 1, 1942, and that with respect to the remaining portion of the Pasco Defense-Rental Area, consisting of the precincts of Finley, South Kennewick, Kennewick Valley, Kennewick, Kennewick Gardens, and Richland in the county of Benton, the words "the effective date of this maximum rent regulation" in this maximum rent regulation shall mean January 1, 1943, and also with respect to the remaining portion of the Pasco Defense-Rental Areas, consisting of the precincts of Finley, South Kennewick, Kennewick Valley, Kennewick, Kennewick Gardens, and Richland in the county of Benton, the words "December 1, 1942" in this maximum rent regulation shall mean January 1, 1943.

§ 1388.294a Effective dates of amendments.

(f) Amendment No. 6 (§ 1388.281 (a)) to Maximum Rent Regulation No. 53 shall be effective as of January 1, 1943. (Pub. Law 421, 77th Cong.)

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1348; Filed, January 26, 1943;
3:00 p. m.]

¹ 7 F.R. 8596, 9784, 9821, 10717, 10845, 11115;
8 F.R. 123.

PART 1388—DEFENSE-RENTAL AREAS
[Maximum Rent Regulation 53,¹
Amendment 7]

**HOUSING ACCOMMODATIONS OTHER THAN
HOTELS AND ROOMING HOUSES**

The first sentence of § 1388.287 of Maximum Rent Regulation No. 53 is amended to read as follows:

§ 1388.287 Registration. Within 45 days after the effective date of this Maximum Rent Regulation No. 53 (or as to housing accommodations within the Columbia, South Carolina Defense-Rental Area, the Greenville, South Carolina Defense-Rental Area, and the Spartanburg Defense-Rental Area within 75 days after the effective date of this Maximum Rent Regulation No. 53, or as to housing accommodations within the Alaska Defense-Rental Area on or before March 15, 1943), or within 30 days after the property is first rented, whichever date is the later, every landlord of housing accommodations rented or offered for rent shall file in triplicate a written statement on the form provided therefor to be known as a registration statement.

§ 1388.294a Effective dates of amendments.

(g) Amendment No. 7 (§ 1388.287) to Maximum Rent Regulation No. 53 shall be effective as of December 16, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1349; Filed, January 26, 1943;
3:03 p. m.]

PART 1388—DEFENSE-RENTAL AREAS
[Maximum Rent Regulation 54A,²
Amendment 4]

HOTELS AND ROOMING HOUSES

Subparagraphs (3) and (79) of paragraph (a) of § 1388.331 of Maximum Rent Regulation No. 54A are hereby amended to read as follows:

§ 1388.331 Scope of regulation. (a)

(3) The Newport-Walnut Ridge Defense-Rental Area, consisting of the Counties of Craighead, Independence, Jackson, Lawrence, and Randolph, in the State of Arkansas: *Provided, however,* That with respect to that portion of the Newport-Walnut Ridge Defense-Rental Area consisting of the Counties of Craighead, Independence, Jackson, and Lawrence, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean November 1, 1942, and that with respect to the remaining portion of the Newport-Walnut Ridge Defense-Rental Area, consisting of the County of Randolph, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean February 1, 1943, and also with respect to the remaining portion of the New-

² 7 F.R. 8602, 9783, 9820, 10717, 11115; 8 F.R. 124, 434.

port-Walnut Ridge Defense-Rental Area, consisting of the County of Randolph, the words "December 1, 1942" in this Maximum Rent Regulation shall mean February 1, 1943.

(79) The Marfa-Alpine Defense-Rental Area, consisting of the Counties of Brewster and Presidio, in the State of Texas: *Provided, however,* That with respect to that portion of the Marfa-Alpine Defense-Rental Area consisting of the County of Presidio, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean November 1, 1942, and that with respect to the remaining portion of the Marfa-Alpine Defense-Rental Area, consisting of the County of Brewster, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean February 1, 1943, and also with respect to the remaining portion of the Marfa-Alpine Defense-Rental Area, consisting of the County of Brewster, the words "December 1, 1942" in this Maximum Rent Regulation shall mean February 1, 1943.

§ 1388.344a Effective dates of amendments.

(d) Amendment No. 4 (§ 1388.331 (a)) to Maximum Rent Regulation No. 54A shall become effective February 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1350; Filed, January 26, 1943;
3:01 p. m.]

PART 1388—DEFENSE-RENTAL AREAS
[Maximum Rent Regulation 54A,²
Amendment 5]

HOTELS AND ROOMING HOUSES

Subparagraphs (77) and (89) of paragraph (a) of § 1388.331 of Maximum Rent Regulation No. 54A are hereby amended to read as follows:

§ 1388.331 Scope of regulation. (a)

(77) The Killeen-Temple Defense-Rental Area, consisting of the Counties of Bell, Coryell, and Lampasas, in the State of Texas: *Provided, however,* That with respect to that portion of the Killeen-Temple Defense-Rental Area consisting of the Counties of Bell and Coryell, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean November 1, 1942, and that with respect to the remaining portion of the Killeen-Temple Defense-Rental Area, consisting of the County of Lampasas, the words "the effective date of this Maximum Rent Regulation" shall mean January 1, 1943, and also with respect to the remaining portion of the Killeen-Temple Defense-Rental Area, consisting of the County of Lampasas, the words "December 1, 1942" in this Maximum Rent Regulation shall mean January 1, 1943.

(89) The Pasco Defense-Rental Area, consisting of the County of Franklin and the Precincts of Finley, South Kennewick, Kennewick Valley, Kennewick, Kennewick Gardens, and Richland in the County of Benton, in the State of Washington: *Provided, however,* That with respect to that portion of the Pasco Defense-Rental Area consisting of the County of Franklin, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean November 1, 1942, and that with respect to the remaining portion of the Pasco Defense-Rental Area, consisting of the Precincts of Finley, South Kennewick, Kennewick Valley, Kennewick, Kennewick Gardens, and Richland in the County of Benton, the words "the effective date of this Maximum Rent Regulation" in this Maximum Rent Regulation shall mean January 1, 1943, and also with respect to the remaining portion of the Pasco Defense-Rental Area, consisting of the Precincts of Finley, South Kennewick, Kennewick Valley, Kennewick, Kennewick Gardens, and Richland in the County of Benton, the words "December 1, 1942" in this Maximum Rent Regulation shall mean January 1, 1943.

§ 1388.344a Effective dates of amendments. * * *

(e) Amendment No. 5 (§ 1388.331 (a)) to Maximum Rent Regulation No. 54A shall become effective January 1, 1943.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1351; Filed, January 26, 1943;
3:02 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Maximum Rent Regulation 54A,
Amendment 6]

HOTELS AND ROOMING HOUSES

The first sentence of § 1388.337 of Maximum Rent Regulation No. 54A is amended to read as follows:

§ 1388.337 *Registration.* Within 45 days after the effective date of this Maximum Rent Regulation No. 54A (or, as to rooms within the Alaska Defense-Rental Area, on or before March 15, 1943), every landlord of a room rented or offered for rent shall file a written statement on the form provided therefor containing such information as the Administrator shall require, to be known as a registration statement.

§ 1388.334a Effective dates of amendments. * * *

(f) Amendment No. 6 (§ 1388.337) to Maximum Rent Regulation No. 54A shall become effective December 16, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1352; Filed, January 26, 1943;
3:02 p. m.]

1 7 F.R. 8602, 9783, 9820, 10717, 11115; 8 F.R. 124, 434.

PART 1412—SOLVENTS
[MPR 170, Amendment 2]

ANTI-FREEZE

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith, and has been filed with the Division of the Federal Register.*

Sections 1412.6 (a) (1) (i), (a) (1) (iii), (a) (2), the first sentence in § 1412.6 (b) (1), and § 1412.12 (a) (2) are amended; a new subparagraph (17) is added to § 1412.12 (a) and new paragraphs (g) and (h) are added to § 1412.13 as set forth below:

§ 1412.6 Marking and posting.
(a) * * *

(1) * * *
(i) The type of anti-freeze contained therein, that is, "Type N", "Type S", "Type P", or "Type C", as the case may be, the trade name in the case of "Zerone," and in the case of Type C anti-freeze, the following additional statement: "This anti-freeze contains as its principal ingredient (Insert here the common name of the inorganic salt used in preparing the solution)."

(iii) The applicable maximum retail price as established by Appendix A (§ 1412.13) for the anti-freeze contained therein. Such price shall be designated as follows: "OPA Retail Ceiling Price \$-----." The blank in the quoted phrase shall be filled in with the applicable maximum retail price as established by Appendix A (§ 1412.13) by the packager in the case of Type S, Type N and Type C anti-freeze and by the retailer in the case of Type P anti-freeze, but in the latter case the packager shall supply the retailer with instructions as to the manner of determining the maximum retail price under the provisions of Appendix A (§ 1412.13).

(2) The type ("N", "S", "P", or "C") and the applicable maximum retail price established by Appendix A (§ 1412.13) shall be printed in letters at least two inches high on containers of more than five gallons, and in letters at least as large as any other printed matter thereon other than the trade mark or trade name on containers of five gallons or less.

(b) * * *

(1) Every person selling anti-freeze at retail shall post the maximum price of each type (N, S, P or C), strength (standard or substandard), and brand of anti-freeze sold by him, in a manner plainly visible to and understandable by the purchasing public.

§ 1412.12 Definitions. (a) * * *

(2) "Anti-freeze" means any alcohol, alcohol formulation, or solution of an inorganic salt such as calcium, magnesium, or sodium chloride, sold for use as a depressant of the freezing point of water.

(17) "Type C" anti-freeze means an anti-freeze which has as its principal

*Copies may be obtained from the Office of Price Administration.

1 7 F.R. 4763, 5717, 8948.

component an inorganic salt such as calcium, magnesium, or sodium chloride.

§ 1412.13 Appendix A: Maximum prices for anti-freeze. * * *

(g) *Standard strength anti-freeze.* Type C. Maximum prices for standard strength Type C anti-freeze are established as follows:

(1) *Sales to retailers by any person.*

[Per gallon delivered, containers included]

	Calcium chloride, sodium chloride, or mixed salt base	Magnesium chloride base
Over 5 gallons.....	\$.40	\$.47
1-5 gallons.....	.46	.53
Less than 1 gallon.....	.51	.58

(2) *Sales at retail.* Delivered, including installation in automobile cooling system where buyer so requests and where anti-freeze is customarily so installed by the seller without charge:

	Calcium chloride, sodium chloride, or mixed salt base	Magnesium chloride base
In quantities of 1 gallon or more.....	Per gallon \$0.75	Per gallon \$0.85
In quantities of less than 1 gallon.....	Per quart .20	Per quart .23

Provided, That until February 15, 1943, any seller of any Type C anti-freeze other than a manufacturer, who prior to February 1, 1943 had purchased Type C anti-freeze and had it in his possession or in the custody of a carrier or warehouse other than a carrier or warehouse owned or controlled by the person from whom such anti-freeze was acquired, may sell such anti-freeze at the maximum price established in this section or at his cost of acquisition, whichever is higher.

(h) *Substandard strength anti-freeze.* Type C. For sales covered by subparagraphs (1) and (2) of paragraph (g) above, the maximum price for any quantity of substandard strength Type C anti-freeze in any kind of container shall be the maximum price, as determined under whichever one of said subparagraphs (1) or (2) is applicable, for that quantity of standard strength Type C anti-freeze, in like containers, which would produce an anti-freeze effect equal to that produced by the quantity of substandard strength Type C anti-freeze being priced. Such maximum price shall not exceed the price determined by computation under the following formula: subtract 25% from the maximum price for a quantity of standard strength Type C anti-freeze (in like containers) equal to the quantity of substandard strength Type C anti-freeze being priced, and divide the result by the number of gallons of such substandard strength Type C anti-freeze which must be added to one gallon of water to reduce the freezing point of the resulting mixture to ten degrees below zero Fahrenheit.

§ 1412.15 Effective dates of amendments. * * *

(b) Amendment No. 2 (§§ 1412.6, 1412.12, 1412.13 and 1412.15) to Maximum Price Regulation No. 170 shall become effective February 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1359; Filed, January 26, 1943;
2:59 p. m.]

PART 1437—PLATINUM

[MPR 309]

PLATINUM GROUP METALS AND THEIR PRODUCTS

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for the platinum group metals and their products by a specific maximum price regulation.

A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.* In the judgment of the Price Administrator the maximum prices established by this Maximum Price Regulation No. 309 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration, Maximum Price Regulation No. 309 is hereby issued.

Sec.

- 1437.1 Maximum prices for platinum group metals, products, and waste materials.
- 1437.2 Less than maximum prices.
- 1437.3 Credit charges.
- 1437.4 Packaging and transportation charges and practices.
- 1437.5 Import sales.
- 1437.6 Export sales.
- 1437.7 Adjustable pricing.
- 1437.8 Evasion.
- 1437.9 Records and reports.
- 1437.10 Enforcement.
- 1437.11 Petitions for amendment.
- 1437.12 Applicability of General Maximum Price Regulation.
- 1437.13 Effective date.

AUTHORITY: §§ 1437.1 to 1437.13, inclusive, issued pursuant to Pub. Laws 421 and 729, 77th Cong.; and E.O. 9250, 7 F.R. 7871.

§ 1437.1 Maximum prices for platinum group metals, products, and waste materials. On and after February 1, 1943, regardless of any contract, agreement, lease or other obligation, no per-

*Copies may be obtained from the Office of Price Administration.
17 F.R. 8961.

son shall sell, deliver or exchange any platinum group metal, product, or waste material, and no person shall buy or receive any platinum group metal, product or waste material in the course of trade or business from any seller, at a price in excess of the following, and no person shall agree, offer, solicit or attempt to do any of the foregoing prohibited acts:

(a) *Platinum group metals of commercial purity.* (1) A seller's maximum price for any of the platinum group metals of commercial purity of at least 99.5% in the form specified below shall be the price set forth in the following table less any discounts, differentials, or allowances which the seller had in effect in the period from January 1 to March 31, 1942, for the sale of such metal to a purchaser of the same class:

Metal	Minimum commercial purity	Form of metal to which prices apply	Maximum price per troy ounce
	Percent		
Platinum.....	99.5	Ingots, bars, sheets, plates or wire not less than 1/16th inch thick and sponge.....	\$35
Palladium.....	99.5	Ingots, bars, sheets, plates or wire not less than 1/16th inch thick.....	24
Ruthenium.....	99.5	Powder, sponge or granules.....	35
Rhodium.....	99.5	Powder, sponge or granules.....	125
Iridium.....	99.5	Powder, sponge or granules.....	165
Osmium.....	99.5	Powder or sponge.....	60

(2) When used in this Maximum Price Regulation No. 309, the term:

(i) "Had in effect" as applied to discounts, differentials, allowances, and prices, means the dollar-and-cents discount, differential, allowance, or price per troy ounce at which the seller sold or, if no sale was made, at which the seller would have sold.

(ii) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(iii) "Purchaser of the same class" refers to the practice adopted by the seller of setting different prices for commodities or services for sales to different purchasers or kinds of purchasers (for example, producer, refiner, smelter, dealer, fabricator, government agency, individual consumer) or for purchasers located in different areas or for different quantities or under different conditions of sale. Customary differentials in discounts on price list goods shall be among the criteria which establish differences among classes of purchasers.

(iv) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale," "selling," "sold," "seller," "buy," "purchase," and "purchaser," shall be construed accordingly.

(3) *Examples.* (i) A sale of ten ounces of platinum of commercial purity 1/8" thick to a consumer. The maximum selling price is \$35.00 per ounce.

(ii) A sale of ten ounces of platinum of commercial purity 1/8" thick to a refiner. The seller has determined that his minimum discount on sales to refiners for resale was fifty cents during the period from January 1, to March 31, 1942. His maximum selling price for this sale now is \$34.50 per ounce.

(iii) A sale of one hundred ounces of platinum of commercial purity 1/8" thick to a consumer. The seller has determined that his minimum discount on sales of this quantity to a certain industry was fifty cents during the period from January 1, to March 31, 1942. His maximum selling price on this sale to the same industry now is \$34.50 per ounce.

(b) *Platinum group metal products.*

(1) A seller's maximum price for any semi-fabricated or fabricated platinum group metal product shall not exceed the highest net price which he had in effect in the period from January 1, to March 31, 1942, for the sale of such product to a purchaser of the same class, adjusted so that the value given to the platinum group metal content of such product in the calculation of such net price shall not exceed the maximum net price for such metal as computed under paragraph (a) of this section.

(2) When used in this Maximum Price Regulation No. 309 the term:

(i) "Semi-fabricated or fabricated platinum group metal product" means any commodity, other than those specified in paragraph (a) or (c) of § 1437.1, and other than jewelry, in which the weight or value of the platinum group metal content thereof exceeds 25% of the weight or value respectively of the commodity.

(ii) "Jewelry" means any ornamental article or accessory of personal adornment, including but not limited to rings, brooches, bracelets, initials, tie pins, collar pins, atomizers (except medical), cosmetic containers, lighters, napkin rings, picture frames, smokers' accessories, souvenirs, or any other similar ware and ornaments which are finished and ready for use by the ultimate consumer.

(iii) "Net price" means the price actually charged by the seller; i. e., the list or quoted price less all discounts, allowances, and differentials.

(3) *Examples.* (i) A sale of an alloy of ten ounces containing 20% iridium—80% platinum in sheet 1/8" thick to a consumer. The seller has determined that his maximum alloying, melting and working charge during the period from January 1 to March 31, 1942, for this alloy was \$2. His maximum selling price per ounce is figured as follows:

80% Platinum.....@	\$35.00	\$28.00
20% Iridium.....@	\$165.00	33.00
Working charge.....		2.00
		63.00

(ii) A sale of an alloy of ten ounces containing 20% iridium—80% platinum in sheet 1/8" thick to a refiner. The seller has determined, as in the previous example, that his maximum alloying,

melting and working charge during the period from January 1 to March 31, 1942, for this alloy was \$2. He has also determined that his minimum discount on sales to refiners for resale was \$1 during the period from January 1 to March 31, 1942. His maximum selling price per ounce is figured as follows:

80% Platinum.....@	\$35.00	-----	\$28.00
20% Iridium.....@	\$165.00	-----	33.00
Working charge.....		-----	2.00
			63.00
Discount.....		-----	-1.00
Maximum price.....			62.00

(iii) A sale of an alloy of one hundred ounces containing 20% iridium—80% platinum in sheet $\frac{1}{8}$ " thick to a consumer. The seller has determined that his minimum discount on sales of this quantity to a certain industry was \$1. an ounce during the period from January 1, to March 31, 1942. His maximum selling price now is \$62. per ounce.

(iv) A sale of an alloy of ten ounces containing 20% iridium—80% platinum drawn into wire .010" in diameter to a consumer. The seller has determined that he made an additional charge of \$1. during the period from January 1, to March 31, 1942, for drawing this alloy into wire of this size. His maximum selling price then is \$64. per ounce.

(v) A sale of ten ounces of platinum of thermocouple purity in wire .025" in diameter to a manufacturer of pyrometers. The seller has determined that his maximum charge for refining this type of platinum and drawing it into wire during the period from January 1, to March 31, 1942, was \$40. per ounce. His maximum selling price for this sale now is \$75. per ounce.

(vi) A sale of five ounces of platinum dental foil .001" thick to a consumer. The seller has determined that his maximum charge for working 5 ounces of platinum into dental foil during the period from January 1, to March 31, 1942, was \$6. per ounce. His maximum price for this sale now is \$41. per ounce.

(vii) A sale of contact points made of steel screws with a disc of 20% iridium—80% platinum. This iridium-platinum alloy was purchased in a 100 ounce lot. The seller has determined that his cost of the iridium-platinum is \$62. per ounce as shown in Example (iii). He must use this price as the basis of his calculation. The other factors in determining the selling price must be no higher than the highest values of those factors during the period from January 1, to March 31, 1942. A hypothetical cost sheet per 1000 finished points should read as follows:

Cost of the platinum-iridium alloy	
@ \$62. per ounce.....	\$500.00
Overhead and loss.....	25.00
Cost of screws.....	25.00
Labor cost.....	50.00
Set-up price.....	10.00
Percent profit mark-up.....	50.00

Present maximum selling price.. 660.00

(c) *Platinum group metals of less than 99.5% purity and platinum group metal scrap, sweeps, or other waste products.* (1) A seller's maximum price for platinum group metals of less than

99.5% purity and for the platinum group metal content of scrap, sweeps, or other waste products shall not exceed the highest net price which the seller had in effect in the period from January 1, to March 31, 1942, to a purchaser of the same class for the sale of such metals or waste products adjusted so that the value given to such platinum group metal content in the calculation of such net price shall not exceed the maximum net price for such metal as computed under paragraph (a) of this Section. The value of any other material contained in such metal or waste products shall not exceed the maximum price established therefor under the applicable regulations of the Office of Price Administration.

(2) When used in this Maximum Price Regulation No. 309, the term "scrap, sweeps, and other waste products" includes all materials containing any of the platinum group metals, whether in metallic form or not, which are the waste or by-product of metal working of any kind, or of any use of the platinum group metals in industry or the arts; it also includes all articles containing any of the platinum group metals, whether in metallic form or not, which have been discarded from their original use because of obsolescence, failure or other reasons, provided that the weight or value of the platinum group metal content of any such article exceeds 25% of the weight or value, respectively, of the article. It does not include articles which are still useful in their existing state for their original purpose if such articles are bought and sold for re-use in their existing state for their original purpose.

(d) Any seller of a platinum group metal, product, or waste material who is unable to determine his maximum price or prices under paragraph (a), (b), or (c), shall file his selling price for that commodity with the Office of Price Administration, Washington, D. C., for approval. Such selling price shall be determined, whenever feasible, by the use of the pricing formula or method of calculating prices used by the seller in the period from January 1, to March 31, 1942, to determine the price of similarly priced platinum group metals, products, or waste material for which he had prices in effect at that time. The values given to the factors used in such formula or method shall be no higher than the highest values given to the same factors in the determination of his prices in the period from January 1, to March 31, 1942, adjusted so that the value given to the platinum group metal content shall not exceed the maximum net price for such metal as computed under paragraph (a) of this section.

Pending approval by the Price Administrator of prices submitted for approval under this subdivision, any seller may sell, deliver, exchange, or offer to sell, deliver or exchange, and any person may buy, offer to buy or receive from the seller, such metal, product, or waste material at the price submitted for approval. If, however, the Price Administrator disapproves the price submitted, the selling price shall be revised down-

ward to the maximum price which the Price Administrator may approve, and any payment made in excess of the price so approved shall be refunded to the buyer within fifteen days after the date of the letter, order, or other written instrument informing the seller of such revision. In the absence of notice to the contrary from the Office of Price Administration within thirty days after a seller files such a selling price with the Office of Price Administration, the price filed shall stand approved and shall be the maximum price applicable.

When filing such a price with the Office of Price Administration, the seller shall set forth, in addition to the net price, his list price, and all discounts, allowances, and differentials for all classes of buyers, a description and identification of the commodity, a statement of facts differentiating such commodity from the other commodities sold by the seller, and a statement setting forth the method used in calculating the price therefor.

§ 1437.2 *Less than maximum prices.* Lower prices than those set forth in § 1437.1 may be charged, demanded, paid or offered.

§ 1437.3 *Credit charges.* A charge for the extension of credit may be added to the maximum prices set forth in § 1437.1: *Provided*, Such credit charge does not exceed one (\$1.00) dollar per troy ounce: *And provided further*, That the period of credit shall exceed thirty days.

§ 1437.4 *Packaging and transportation charges and practices.* A seller may not change the packaging and transportation charges and practices which he had in effect in the period from January 1, to March 31, 1942, if such change would result in higher prices to his customers.

§ 1437.5 *Import sales.* The maximum prices established by this Maximum Price Regulation No. 309 apply to all imports into the forty-eight states of the United States and the District of Columbia of the platinum group metals, their products and waste materials.

§ 1437.6 *Export sales.* Export sales of platinum group metals and their products shall be subject to the provisions of Revised Maximum Export Price Regulation² issued by the Office of Price Administration.

§ 1437.7 *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In an appropriate situation, where a petition for amendment requires extended consideration, the Administrator may, upon application, grant permission to agree to adjust prices upon deliveries made during the pendency of the petition in accordance with the disposition of the petition.

§ 1437.8 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 309 shall not be evaded, whether by direct or indirect methods, in

² 7 F.R. 3096, 3824, 4294, 4541, 5059, 7242, 8829, 9000.

connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to platinum group metals and their products, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1437.9 *Records and reports.* (a) Every person making sales or deliveries of platinum group metals and their products, and every person making purchases or accepting delivery of platinum group metals and their products in the course of trade or business, shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942, as amended, remains in effect, complete and accurate records of each such sale, purchase, or delivery showing the date thereof, the name of the purchaser or seller, the quantity and grade of platinum group metals and their products sold, purchased, or delivered, and the price received or paid therefor, and each such seller shall keep a record of all discounts, differentials, and allowances which the seller had in effect in the period from January 1, to March 31, 1942, with a proper identification of each such discount, differential and allowance.

(b) Such person shall submit such reports to the Office of Price Administration, and keep such other records in addition to or in place of the records required in paragraph (a) of this section, as the Office of Price Administration may from time to time require.

§ 1437.10 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 309 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 309, or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1437.11 *Petitions for amendment.* Any person seeking amendment of any provision of this Maximum Price Regulation No. 309 may file a petition for an amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1437.12 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 309 supersede the provisions of the General Maximum Price Regulation

with respect to sales and deliveries for which maximum prices are established by this regulation. This Maximum Price Regulation No. 309 does not supersede the provisions of the General Maximum Price Regulation with respect to sales and deliveries of ores and ore concentrates of the platinum group metals which are at the present time exempt from the provisions of the General Maximum Price Regulation under section 9 (a) (10) thereof.

§ 1437.13 *Effective date.* This Maximum Price Regulation No. 309 (§§ 1437.1 to 1437.13, inclusive) shall become effective February 1, 1943, for the District of Columbia and the forty-eight states of the United States, and shall become effective February 11, 1943, for the territories and possessions of the United States.

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1360; Filed, January 26, 1943;
3:00 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order 11, Amendment 32]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1394.5151 (c) is revoked; the headnotes to §§ 1394.5266 and 1394.5267 are amended by substituting the phrase "Late applications" for the phrase "Applications made on or after November 1, 1942" in each; paragraphs (e), (f) and (g) of § 1394.5266, and § 1394.5267 (b) and 1394.5355 (b) are revoked; § 1394.5402 (g) is amended; §§ 1394.5461 and 1394.5462 are revoked; § 1394.5603 (a) is amended; in paragraph (b) of § 1394.5701, the phrase "Except as provided in paragraph (c) of this section" is deleted, and paragraph (c) of said section is revoked; § 1394.5731 (c) is revoked; and a new paragraph (ff) is added to § 1394.5902; as set forth below:

Miscellaneous Uses

§ 1394.5402 *Rations for miscellaneous uses.* * * *

(g) Each commercial, industrial or governmental consumer whose current allowable ration is more than nine thousand (9,000) gallons of fuel oil for an operation or operations in the area mentioned in paragraph (f) of this section and was not adjusted as provided in said paragraph (f) shall, if the fuel oil is not for use exclusively in any operation or operations listed on Schedule "A" of Petroleum Administrative Order No. 3, issued by the Petroleum Administration of War, surrender (personally or by mail), on January 25, 26, or 27, 1943, to such

*Copies may be obtained from Office of Price Administration.

† 7 F.R. 8480, 8708, 8809, 8897, 9316, 9492, 9427, 9430, 9621, 9784, 10153, 10081, 10379, 10530, 10531, 10780, 10707, 11118, 11071, 8 F.R. 165, 237, 437, 369, 374, 535, 439, 444, 607, 608, 977.

Board or to such State, District or Regional Office of the Office of Price Administration as shall be designated for such purpose by the Regional Administrator for the region in which the consumer's Board is located, all coupon sheets, other evidences, and delivery receipts evidencing the ration issued to him. The Board or Office to which such surrender is made shall adjust the consumer's current allowable ration in accordance with paragraph (f) of this section, and shall detach from the consumer's coupon sheets coupons equal in gallonage value to the amount by which the allowable ration exceeds such allowable ration as adjusted by the operation of paragraph (f) of this section. The Board or Office detaching such coupons shall enter under the register of deliveries on the coupon sheet the date, the number and value of the coupons detached, the number of the Board or the designation of the Office and the name of the person making the entries. If a delivery receipt is surrendered, the deduction pursuant to paragraph (f) shall be entered on the stub, together with the date, the number of the Board or designation of the Office and the name of the person making the entries.

Restrictions on Use of Rations and Fuel Oil

§ 1394.5603 *Restrictions and consumption of fuel oil.* (a) Except as provided in §§ 1394.5505 (b), 1394.5602, 1394.5658, 1394.5665, and paragraph (b) of this section, no person shall consume fuel oil unless such fuel oil was acquired by him or on his behalf in exchange for valid coupons or other evidences, or delivery receipts, or was transferred to him pursuant to paragraph (f) or (g) of § 1394.5653: *Provided*, That fuel oil included in a consumer's inventory pursuant to § 1394.5451, with respect to which a deduction has been made, or with respect to which coupons or other evidences, or delivery receipts, have been surrendered to a Board pursuant to subparagraph (2) of § 1394.5659 (b) shall be deemed to have been acquired in exchange therefor. If, at the time he makes application therefor, the consumer's inventory of fuel oil exceeds his allowable ration, he may not consume fuel oil in excess of such allowable ration.

Effective Date

§ 1394.5902 *Effective date of corrections and amendments.* * * *

(ff) Amendment No. 32 (§§ 1394.5151, 1394.5266, 1394.5267, 1394.5355, 1394.5461, 1394.5462, 1394.5603, 1394.5701, and 1394.5731) to Ration Order No. 11 shall become effective January 26, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, and 507, 77th Cong., Pub. Law 421, 77th Cong., W.P.B. Directive No. 1, 7 F.R. 562, Supp. Directive No. 1-O, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1366; Filed, January 26, 1943;
4:36 p. m.]

* 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155 10454.

PART 1499—COMMODITIES AND SERVICES
[Order 246 Under § 1499.3 (b) of GMPR]

LAMBERT VITAMINS COMPANY

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1482 *Approval of maximum prices for sales of "Nutri-Mins"*—(a) *Sales by the Lambert Vitamins Company*—(1) *Maximum prices.* The maximum prices for sales by the Lambert Vitamins Company of New York, New York, of "Nutri-Mins" are established as set forth below:

Size of package	Maximum price per package	
	To wholesalers	To retailers
24 tablets.....	\$.27	\$.32
200 tablets.....	1.94	2.33

(2) *Discounts, allowances, and price differentials.* The Lambert Vitamins Company shall apply to the maximum prices set forth in subparagraph (1) of this paragraph for its sales of "Nutri-Mins" all quantity differentials, discounts for purchasers of different classes, trade practices, cash discounts, credit terms, practices relating to the payment of transportation costs, and any other customary allowances which were in effect in March 1942 on sales of "Listerine" by the Lambert Pharmaceutical Company.

(b) *Sales by wholesalers*—(1) *Maximum prices.* The maximum prices for sales by wholesalers of "Nutri-Mins" are established as set forth below:

Size of package:	Maximum price per package
24 tablets.....	\$.32
200 tablets.....	2.33

(2) *Discounts, allowances, and price differentials.* Any wholesaler making sales of "Nutri-Mins" shall apply to the maximum prices set forth for such sales in subparagraph (1) of this paragraph all quantity differentials, discounts for purchasers of different classes, trade practices, cash discounts, credit terms, practices relating to the payment of shipping charges, and other customary allowances which were in effect in March 1942 on sales by the wholesaler of "Vimms" or on sales of the multiple vitamin product most nearly comparable to "Nutri-Mins" if the wholesaler did not sell "Vimms" in March 1942.

(c) *Sales by retailers*—(1) *Maximum prices.* The maximum prices for sales by retailers of "Nutri-Mins" are established as set forth below:

Size of package:	Maximum price per package
24 tablets.....	\$.48
200 tablets.....	3.50

(2) *Discounts for purchasers of different classes.* Any retailer making sales of "Nutri-Mins" shall apply to the maximum prices set forth for such sales in subparagraph (1) of this paragraph all discounts for purchasers of different classes which were in effect in March 1942 on sales by the retailer of "Vimms"

or on sales of the multiple vitamin product most nearly comparable to "Nutri-Mins" if the retailer did not sell "Vimms" in March 1942.

(d) *Marking package with retail ceiling price.* The Lambert Vitamins Company shall mark each package of 24 tablets of "Nutri-Mins" sold by it after March 1, 1943, with the words "Ceiling Price 48¢", and each package of 200 tablets of "Nutri-Mins" sold by it after March 1, 1943, with the words "Ceiling Price \$3.50." These words shall be printed or stamped in letters clearly legible and at least one quarter as large as those used for the name of the product on the package in which "Nutri-Mins" is customarily sold to the ultimate consumer. No retailer shall make sales of "Nutri-Mins" after May 1, 1943, unless the package in which the product is sold is marked with the retail ceiling price as required by this paragraph.

(e) *Notification of maximum prices*—(1) *By the Lambert Vitamins Company to wholesalers.* The Lambert Vitamins Company shall supply a written notification to each wholesaler before or at the time of its first delivery of "Nutri-Mins" to such wholesaler. The written statement shall read as follows:

OPA has authorized us to charge wholesalers 27¢ for 24 "Nutri-Mins" tablets and \$1.94 for 200 "Nutri-Mins" tablets, subject to all cash discounts and customary allowances.

Wholesalers are authorized to establish maximum prices of 32¢ for 24 "Nutri-Mins" tablets and \$2.33 for 200 "Nutri-Mins" tablets, subject to all cash discounts and customary allowances.

(2) *By the Lambert Vitamins Company to retailers via wholesalers.* The Lambert Vitamins Company shall include a written notification with each shipping unit of "Nutri-Mins" for a period of three months. If such notification is enclosed in a shipping unit, a legend shall be affixed outside of such unit to read "Retailer's Notice Enclosed." If the initial sale by a wholesaler to a retailer is a split-case sale, the wholesaler is required to provide such retailer with a copy of this notice. The written notification shall read as follows:

OPA has authorized wholesalers to charge 32¢ for 24 "Nutri-Mins" tablets and \$2.33 for 200 "Nutri-Mins" tablets, subject to all cash discounts and customary allowances.

Retailers are authorized to establish ceiling prices of 48¢ for 24 "Nutri-Mins" tablets and \$3.50 for 200 "Nutri-Mins" tablets.

If the initial sale by a wholesaler to a retailer is a split-case sale, the wholesaler is required to provide such retailer with a copy of this notice.

OPA requires that you keep this notice for examination.

(3) *By the Lambert Vitamins Company to retailers.* The Lambert Vitamins Company shall supply a written notification to each retailer before or at the time of its first delivery of "Nutri-Mins" to such retailer. The written statement shall read as follows:

OPA has authorized us to charge retailers 32¢ for 24 "Nutri-Mins" tablets and \$2.33 for 200 "Nutri-Mins" tablets, subject to all cash discounts and customary allowances.

Your ceiling prices are authorized to be 48¢ for 24 "Nutri-Mins" tablets and \$3.50 for 200 "Nutri-Mins" tablets.

OPA requires that you keep this notice for examination.

(f) *Definitions.* When used in this order the term:

(1) "Nutri-Mins" means a vitamin preparation manufactured by the Lambert Vitamins Company, each tablet of which contains the following amounts of specific vitamin substances:

Vitamin A.....	2,000 U.S.P. units.
Vitamin B ₁ (thiamin chloride).....	0.5 mg.
Vitamin B ₂ (riboflavin).....	1.0 mg.
Niacin Amide.....	5.0 mg.
Vitamin C.....	15.0 mg.
Vitamin D.....	200 U.S.P. units.

(2) "Vimms" means a vitamin preparation manufactured by Lever Brothers Company, each tablet of which contains the following amounts of specific vitamin and mineral substances:

Vitamin A.....	1,666 U.S.P. units.
Vitamin B ₁ (thiamin chloride).....	0.3 mg.
Vitamin B ₂ (riboflavin).....	0.6 mg.
Vitamin P-P.....	3.3 mg.
Vitamin C.....	10.0 mg.
Vitamin D.....	166 U.S.P. units.
Calcium.....	125.0 mg.
Phosphorus.....	83.3 mg.
Iron.....	3.3 mg.

(3) "Listerine" means an antiseptic solution manufactured by the Lambert Pharmaceutical Company.

(4) "Wholesaler" means any person who buys "Nutri-Mins" and resells it, without substantially changing its form, to retailers.

(5) "Retailer" means any person who buys "Nutri-Mins" and resells it directly to consumers.

(g) The Lambert Vitamins Company shall submit to the Office of Price Administration in Washington, D. C. such reports as may from time to time be required.

(h) This Order No. 246 may be revoked or amended by the Price Administrator at any time.

(i) This Order No. 246 (§ 1499.1482) shall become effective on January 27, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 26th day of January 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1365; Filed, January 26, 1943; 4:36 p. m.]

PART 1306—IRON AND STEEL

[RFS 10—Including Amendments 1 through 4]

PIG IRON¹

The Office of Price Administration is charged with maintenance of price stability and the prevention of undue price rises and price dislocations. Iron and steel scrap and pig iron are basic materials for the production of iron and steel products. By Price Schedule No. 4, revised² and Price Schedule No. 6, revised,³

¹ 7 F.R. 1230.

² 7 F.R. 1207, 2132, 2155, 2507, 3087, 3550, 3889, 4488, 6217, 8190, 8948, 10151.

³ 7 F.R. 1215, 2132, 2153, 2299, 2997, 3115, 3941, 4780, 7240, 8948.

respectively, price ceilings have been placed on iron and steel scrap and on iron and steel products. Recent wage increases and the increased demand for pig iron resulting from the national defense emergency have been exerting pressure upon the price structure, causing the prices of certain grades and kinds of pig iron to be increased. In the interest of national defense and the public interest a price ceiling is necessary. On the basis of information secured by independent investigation by this Office, and upon information furnished by the trade, I find that the maximum ("ceiling") prices as set forth below constitute reasonable limitations on prices for pig iron.

Therefore, pursuant to the authority vested in me by Executive Order No. 8734 it is hereby directed that:

Sec.

- 1306.51 Definitions.
- 1306.52 Maximum ("ceiling") prices on sales of pig iron.
- 1306.53 Records.
- 1306.54 Supplement.
- 1306.55 Petitions for amendment, adjustment or exception.
- 1306.56 Appendix A: Basing point base prices for pig iron.
- 1306.58 Geographical application.
- 1306.59 Effective dates of amendments.

AUTHORITY: §§ 1306.51 to 1306.59, inclusive, issued under E.O. Nos. 8734, 8875; 6 F.R. 1917, 4483. Executive authority superseded by Emergency Price Control Act of 1942, Pub. Laws 421 and 729, 77th Cong.; and E.O. 9250, 7 F.R. 7871.

§ 1306.51 *Definitions.* When used in Price Schedule No. 10:

(a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing. ((a) amended by Supplementary Order No. 12, 7 F.R. 6385).

(b) The term "pig iron", includes all pig iron such as basic, foundry, malleable, bessemer, low-phosphorus, high-silicon or silvery, gray forge, charcoal, etc., commonly produced in blast furnaces.

(c) The term "basing point base price" means the prices for pig iron as listed in § 1306.56, Appendix A.

(d) The term "differential" means those provided in § 1306.56, Appendix A, otherwise the charges in effect June 24, 1941, prescribing additions or deductions from the base price to make adjustment for various analyses of the product sold from the product governed by the base price, which variations may be in chemical analysis, or other quality of the product.

(e) The term "governing basing point" means that basing point the use of which results in the lowest delivered price at the place of delivery; in the case of exports it may also mean the established basing point at or nearest the place of production.

(f) The term "usual market area" of any plant with respect to a shipment

of pig iron means that area into which it was customary for such plant to ship pig iron in quantities comparable to the shipments being made before the emergency conditions arising from the present war. ((f) added by Amendment 1, 7 F.R. 2841)

§ 1306.52 *Maximum ("ceiling") prices on sales of pig iron.* On and after June 24, 1941, regardless of any commitment theretofore entered into, no person who produces pig iron shall sell or deliver or offer to sell or deliver any such product, and no purchaser shall buy or accept delivery or offer to buy or accept delivery from such person of any such product, at a price exceeding the maximum ("ceiling") price: *Provided*, That with respect to any sale of pig iron for future delivery, a contract may provide for the payment of an adjusted price not to exceed the maximum ("ceiling") price in effect at the time of shipment.

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that the prohibition contained in any price regulation against buying or receiving any commodity or service at a price higher than the maximum price permitted by such regulation shall not apply to any war procurement agency, or government whose defense is vital to the defense of the United States.]

A lower price than the ceiling price may be charged, demanded, offered, or paid. The price limitations set forth in Price Schedule No. 10 shall not be evaded by additional charges for prompt or early delivery, or by other direct, or indirect methods, nor shall the other terms and conditions of sale be made more onerous to the purchasers than those available or in effect on June 24, 1941.

(a) The domestic ceiling price for any grade or kind of pig iron for which there are basing point base prices shall be the aggregate of: (1) the basing point base price at the governing basing point; (2) differentials; (3) transportation charges from the governing basing point to the place of delivery as customarily computed.

(b) The export ceiling price for any grade or kind of pig iron for which there are basing point base prices shall be the aggregate of: (1) the basing point base price at the governing basing point; (2) differentials; (3) export transportation charges from the governing basing point to the place of delivery as customarily computed.

For all special kinds or grades of pig iron for which there are no differentials, the ceiling prices shall be the basing point base prices and the special differentials which were or would have been charged by the seller on June 24, 1941 (upon the basis of the prices, discounts, charges, or special differentials then listed or quoted by the seller), for such kinds or grades of pig iron, exclusive of any premium or charge for advanced delivery or any other inducement offered by the buyer or demanded by the seller to negotiate the sale.

(c) Notwithstanding the provisions of paragraph (a) of this section, in any case in which the Office of Price Administration shall find that by reason of priority or preference ratings, allocation orders, or similar orders or requests of the War

Production Board or other authorized Government agencies, a shipment of pig iron is made to a place which is not within the usual market area of the plant from which shipment is made, the Office of Price Administration may authorize the person selling such pig iron, to charge a price therefor not to exceed the aggregate of: (1) the basing point base price at the established basing point at or nearest the place of origin of shipment; (2) differentials; (3) transportation charges from the established basing point at or nearest the place of origin of shipment to the place of delivery as customarily computed, less \$1.00 per gross ton. ((c) added by Amendment 1, 7 F.R. 2841.)

(d) Notwithstanding the provisions of paragraphs (a) and (c) of this section, in any case in which the Price Administrator shall find that by reason of priority or preference ratings, allocation orders, or similar orders or requests of the War Production Board or other authorized Government agency, a shipment of pig iron is made from the Buffalo, New York, area to a place within the usual market area of the plant from which shipment is made and to which the customary method of shipment before the emergency conditions arising from the present war was by barge or by barge and rail, the Price Administrator may authorize the person selling such pig iron to charge, if barge transportation is not used for such shipment, a price therefor not to exceed the aggregate of: (1) the basing point base price at the governing basing point; (2) differentials; (3) transportation charges from the governing basing point to the place of delivery as customarily computed; (4) the difference between the charges for all-rail transportation and the charges for barge or barge and rail transportation from Buffalo to the place of delivery, calculated at the established rates in effect during the barge shipping season of 1941. ((d) added by Amendment 2, 7 F.R. 6474.)

[NOTE: Supplementary Order No. 31 (7 F.R. 9894) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price.]

§ 1306.53 *Records.* (a) Every person who produces pig iron shall retain copies of all invoices, dated January 1, 1941, or later, relating to sales of such products, including sales to exporters, brokers and all other persons purchasing for resale. Reports on such sales, in such form as may be determined, will be required by supplements issued under Price Schedule No. 10.

(b) Every person who produces and sells pig iron shall file a copy of his price schedules, including differentials, stat-

ing the prices, charges and discounts in effect on June 24, 1941. Such materials shall be filed with the Office of Price Administration, Washington, D. C., on or before July 10, 1941.

§ 1306.54 *Supplement.* In order to facilitate the application of Price Schedule No. 10, supplements further stating its scope will be issued from time to time as may be necessary, or appropriate.

§ 1306.55 *Petitions for amendment, adjustment or exception.* (a) Any person seeking an amendment of any provision of this Revised Price Schedule No. 10 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.⁴ (a) amended by Supplementary Order 26, 7 F.R. 8948).

(b) Any person, who is prepared to show that (1) its costs of production of pig iron is above its furnace net realization at maximum prices or (2) its furnace net realization is inadequate in view of its high operating costs for continued operations at maximum prices, may file a petition for an adjustment of or exception to the maximum prices established by Revised Price Schedule No. 10. In such cases the petitioner should submit, and the Office of Price Administration will consider, all relevant data, including the relation of the current, requested, and projected realization on the pig iron or on the furnace, to the total over-all return of the petitioner, and the necessity, in terms of the war effort, for the granting of such adjustment or exception. The Office of Price Administration may require, in connection with any such petition, full data on costs, profits, and other relevant factors. Petitions for adjustment pursuant to this section shall be filed in the manner stated in §§ 1300.39 through 1300.41 of Procedural Regulation No. 1⁴ issued by the Office of Price Administration. (b) amended by Amendment 1, 7 F.R. 2841)

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Supplementary Order No. 9 (F.R. 5444) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, with the exception of those on scrap, waste, and salvage materials.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1306.56 *Appendix A: Basing point base prices for pig iron (per gross ton—2,240 lbs.); switching charges; certain differentials.*

⁴ 7 F.R. 8961.

⁵ Revised: 7 F.R. 8961.

	No. 2 foundry	Basic	Bessemer	Malleable	Low phosphorus
Bethlehem, Pa.	\$25.00	\$24.50	\$26.00	\$25.50	-----
Everett, Mass.	25.00	24.50	26.00	25.50	-----
Swedeland, Pa.	25.00	24.50	26.00	25.50	-----
Steelton, Pa.	-----	24.50	-----	-----	\$29.50
Birdsboro, Pa.	25.00	24.50	26.00	25.50	29.50
Sparrows Point, Md.	25.00	24.50	-----	-----	-----
Erie, Pa.	24.00	23.50	25.00	24.50	-----
Neville Island, Pa.	24.00	23.50	24.50	24.00	-----
Sharpville, Pa.	24.00	23.50	24.50	24.00	-----
Buffalo	24.00	23.00	25.00	24.50	29.50
Chicago	24.00	23.50	24.50	24.00	-----
Granite City, Ill.	24.00	23.50	24.50	24.00	-----
Cleveland	24.00	23.50	24.50	24.00	-----
Hamilton, Ohio	24.00	23.50	-----	24.00	-----
Toledo, Ohio	24.00	23.50	24.50	24.00	-----
Youngstown	24.00	23.50	24.50	24.00	-----
Detroit	24.00	23.50	24.50	24.00	-----
Duluth	24.50	24.00	25.00	24.50	-----
Birmingham	20.38	19.00	25.00	-----	-----
Provo, Utah	22.00	21.50	-----	-----	-----

(Table amended by Amendment 3, 7 F.R. 9072, and by Amendment 4)

HIGH-SILICON, SILVERY

(Base silicon 6.00 percent to 6.50 percent)
Jackson County, Ohio..... \$29.50
Buffalo, New York..... 30.75

GRAY FORGE

Valley or Pittsburgh Furnace..... \$23.50

CHARCOAL

Lake Superior Furnace..... \$28.00
Lyles, Tenn. High Phos. Furnace..... 28.50
Lyles, Tenn. Low Phos. Furnace..... 33.00

Switching charges. Basing point base prices are to be subject to an additional charge for delivery within the switching limits of the respective districts.

Silicon differentials. Basing point base prices are to be subject to an additional charge not to exceed \$0.50 a ton for each 0.25 percent silicon content in excess of base grade (1.75 percent to 2.25 percent).

Phosphorus differential. Basing point base prices are to be subject to a reduction of \$0.38 per ton for phosphorus content of 0.70 percent and over.

Manganese differentials. Basing point base prices are to be subject to an additional charge not to exceed \$0.50 a ton for each 0.50 percent manganese content in excess of 1.00 percent.

Exception. Pittsburgh Coke and Iron Company (Sharpville, Pa. Furnace only) and the Struthers Iron and Steel Company, Struthers, Ohio, may charge \$0.50 a ton in excess of basing point base prices for No. 2 foundry, basic, bessemer and malleable.

§ 1306.57 [Revoked as of March 1, 1942 by Amendment 1, 7 F.R. 2841]

§ 1306.58 *Geographical application.* The provisions of Price Schedule No. 10 shall apply only to sales, offers to sell or delivery of pig iron moving within, into, or out of one of the forty-eight States of the United States or the District of Columbia.

§ 1306.59 *Effective dates of amendments.*

Amendment Nos. and issue dates:	Effective
Amendment 1 (4-14-42).....	4-20-42
Amendment 2 (8-15-42).....	8-21-42
Amendment 3 (11-28-42).....	11-28-42
Amendment 4 (1-26-43).....	2-1-43

Issued this twenty-fourth day of June 1941.

Effective this 24th day of June 1941.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-1339; Filed, January 26, 1943;
2:59 p. m.]

Chapter XV—Board of War Communications

[Order 27]

PART 1722—PRECEDENCE FOR TELEGRAPH MESSAGES ESSENTIAL TO THE WAR EFFORT OR PUBLIC SAFETY

Whereas the Board of War Communications has determined that the national defense and security and the successful conduct of the war demand that certain telegraph messages relating to the war effort and public safety be given preferred handling;

Now, therefore, by virtue of the authority vested in the Board by Executive Order No. 8964¹ of December 10, 1941, prescribing regulations governing the preference and priority of communications, and by Executive Order No. 9089² of March 6, 1942, prescribing regulations governing the use, control, supervision and closing of stations and facilities for wire communications; *It is hereby ordered as follows:*

§ 1722.1 *Precedence.* Effective February 15, 1943, all wire-line telegraph, cable and radiotelegraph carriers shall upon specific designation by the sender give precedence in the handling of telegraph, cable, and radiotelegraph messages in accordance with the provisions of and in the order set forth below:

(a) *US Urgent.* To apply to domestic and international messages filed only by the State, War, and Navy Departments.

(b) *OP Priority.* To apply to domestic and international messages filed only by the War and Navy Departments.

(c) *Priority.* To apply to any domestic or international message filed by the State, War or Navy Departments and to any other domestic message requiring immediate transmission for war purposes or to safeguard life or property and which relates to one or more of the following matters:

Immediate dangers due to the presence of the enemy.

¹ 6 F.R. 6367.

² 7 F.R. 1777.

Emergency communications in connection with actual military or naval requirements.
Hurricane, flood, earthquake, or other disaster.

Messages designated "US Urgent," "OP Priority," and "Priority" shall interrupt the transmission of all telegraph messages of lower precedence.

(d) *Rapid*. To apply to any domestic message which requires prompt transmission and delivery for the national defense and security, the successful conduct of the war, or to safeguard life or property and which involves matters of the following type:

Important governmental functions.

Machinery, tools, or raw materials for war plants.

Production, movement, and diversion of essential supplies.

Maintenance of essential public services.

Supply, movement, and diversion of food.

Civilian defense or public health and safety.

§ 1722.2 *Procedure for indicating priorities*. The priority indicators "US Urgent," "OP Priority," "Priority," and "Rapid" should be written by the sender in the "To" space immediately before the address on messages being transmitted over commercial circuits. They are to be transmitted in plain language.

§ 1722.3 *Other messages*. Messages not designated with one of the foregoing priorities shall be handled in accordance with legally established classifications and tariffs on file with the Federal Communications Commission.

§ 1722.4 *Definition of domestic message*. As used in this order, domestic message means any telegraph message originating in the Continental United States and destined to a point in the Continental United States, Canada, or Mexico.

§ 1722.5 *Priorities procedures*. The Federal Communications Commission is hereby requested and authorized in cooperation with the carriers concerned to evolve procedures and routines to effectuate the precedence and requirements set forth in this order.

§ 1722.6 *Violations*. Any sender of a telegraph message who wilfully obtains or attempts to obtain priority for a telegraph message by fraudulently designating such message as a priority message or by furnishing false information to any telegraph carrier for the purpose of obtaining a priority, shall be subject to appropriate governmental action.

Subject to such further order as the Board may deem appropriate.

BOARD OF WAR COMMUNICATIONS,
JAMES LAWRENCE FLY, *Chairman*.

Attest: January 21, 1943.

HERBERT E. GASTON,
Secretary.

[F. R. Doc. 43-1372; Filed, January 27, 1943;
10:38 a. m.]

[Order 28]

PART 1723—TELEGRAPH SERVICE

FRANKS, DEADHEAD MESSAGE, ETC.

Whereas, the Board of War Communications, on December 17, 1942, by its Order No. 25-C,¹ directed that the Federal Communications Commission develop a plan for the curtailment of the use of franks and deadhead messages and the elimination of "free service" messages and report its specific recommendations to the Board; and

Whereas the Federal Communications Commission has submitted its report and recommendations to the Board;

Now, therefore, by virtue of the authority vested in the Board by Executive Order No. 8964² of December 10, 1941, prescribing regulations governing the preference and priority of communications, and by virtue of the authority vested in the Board by Executive Order No. 9089³ of March 6, 1942, prescribing regulations governing the use, control, supervision, and closing of stations and facilities for wire communications; *It is hereby ordered as follows:*

§ 1723.1 *Franks*. All domestic telegraph carriers shall limit and restrict the issuance, exchange, and use of franks, and shall accord all messages submitted under franks the status of "night letters".

§ 1723.2 *Deadhead messages*. All domestic telegraph carriers shall restrict the use of deadhead messages on company business, and shall designate responsible employees to authorize all such deadhead messages before transmittal. The carriers shall so far as practicable handle such deadhead messages as deferred traffic.

§ 1723.3 *Limitations upon free service messages*. No domestic telegraph carrier shall transmit any free service message for a sender or addressee of a message already filed. *Provided, however*, That a telegraph carrier may transmit messages correcting errors⁴ or other faults of a carrier participating in the transmission of the original message.

§ 1723.4 *Filing of instructions issued by carriers*. Copies of all instructions issued pursuant to this Order shall be filed with the Federal Communications Commission within 30 days after the date hereof; copies of all amendments or additions to such instructions shall be filed upon issuance.

Subject to such further order as the Board may deem appropriate.

BOARD OF WAR COMMUNICATIONS,
JAMES LAWRENCE FLY, *Chairman*.

Attest: January 21, 1943.

HERBERT E. GASTON,
Secretary.

[F. R. Doc. 43-1373; Filed, January 27, 1943;
10:38 a. m.]

¹ 7 F.R. 10794.

² 6 F.R. 6367.

³ 7 F.R. 1777.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 2—ADJUDICATION: VETERANS' CLAIMS

DETERMINATIONS AS TO BASIC ENTITLEMENT

§ 2.1066 *"Line of duty" under §§ 35.011 and 35.012*.¹ Sections 35.011 and 35.012 require that a disabling condition for which pension or compensation is claimed shall have been incurred in line of duty, except in cases where a right to pension or compensation is preserved by § 35.04. The records of service departments will be accepted in determining "line of duty" status of diseases and injuries, unless considerations set forth in § 35.10, paragraph VIII, may warrant a different finding. Any evidence which is properly admissible or acceptable according to the practice of the Veterans' Administration, and which is of a nature competent to demonstrate that the incurrence of disability was or was not in line of duty, according to conditions specified in § 35.10, paragraph VIII, may be used as a basis for adjudications, despite any official military or naval record with respect to manner of incurrence. These determinations will be made by the officials of the Veterans' Administration charged with the responsibility of deciding claims for monetary or other benefits in the administration of laws in which line of duty is a factor. Such determinations will be final, subject to appeal procedure, except when the determination of the service department with respect to line of duty in the case of a living or deceased veteran is not concurred in by those having the foregoing responsibility and the file shows that the service department's determination was approved personally by the Secretary of the Navy, Secretary of War, The Adjutant General of the Army or by the Secretary of the Treasury. Such excepted cases will be forwarded to the director of the service concerned together with a full statement of the reasons why the line of duty decision as made by the Department Secretary or the Adjutant General should not be accepted. If the decision of the Department Secretary or the Adjutant General is concurred in by the director of the service concerned the case will be returned to the agency of original jurisdiction for adjudication accordingly. But if such determination is not concurred in the case will be forwarded to the assistant administrator. If the assistant administrator concurs in the Department's determination the file will be returned to the office having jurisdiction for adjudication accordingly. But if he does not concur the case will be referred to the Administrator for his determination. Whenever a decision is rendered by the board of veterans' appeals in which that board does not concur in a decision as to line of duty approved personally by the Secretary of

¹ Section 2.1066 is being revised.

War, Navy or Treasury or by The Adjutant General of the Army, such decision will be referred to the Administrator for his determination. For the purpose of ascertaining "line of duty" status for periods of time prior to June 16, 1938, continuous periods of leave will be considered as one extended leave in determining whether a leave of absence is of such duration as to interfere materially with the routine performance of duty. The provisions of § 35.10, paragraph VIII will be observed carefully in effecting all adjudication where a question of incurrence of disease or injury in line of duty is pertinent: *Provided*, That on or after June 16, 1938, the date of approval of Public No. 648, 75th Congress, the fact that the injury was suffered or the disease was contracted while the person on whose account benefits are claimed was on authorized leave (irrespective of the duration of such leave) will not of itself bar a finding that the disability or death resulting therefrom was incurred in line of duty. If the injury was suffered or the disease was contracted while the person who served was away from camp or his post of duty, the burden is upon the claimant to establish line of duty. If, however, the injury was suffered or the disease was contracted while the person who served was at camp or his post of duty, even though in a leave status, the burden is upon the Government to show that the disability or death resulting therefrom was not in line of duty. (January 26, 1943) [48 Stat. 8, 9; 38 U.S.C. 701, 707]

FRANK T. HINES,
Administrator.

[F. R. Doc. 43-1367; Filed, January 26, 1943;
4:43 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Service Order 105]

PART 95—CAR SERVICE

BACK-HAULING COMPANY MATERIAL

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of January, A. D. 1943.

It appearing that certain railroads are transporting coal or other material used by such railroads in their operations, usually referred to as "company material," through the point or points at which such material is to be used or stored to a more distant point, and back-hauling such material to the point or points of use or storage, which practice results in wasteful transportation; and that an emergency exists requiring immediate action to prevent shortage of railroad equipment and congestion of traffic: *It is ordered*, That:

§ 95.5 *Back-hauling company material.* The operation of the practice of common carriers by railroad subject to

the Interstate Commerce Act of transporting coal or other material used by such railroads in their operations, usually referred to as "company material," in carloads, through the point or points at which such material is to be used or stored, to a more distant point, and back-hauling such material to the point or points of use or storage, is hereby suspended and prohibited. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective immediately and shall remain in force until further order of the Commission; that copies of this order and direction shall be served upon all common carriers by railroad subject to the Interstate Commerce Act and upon the Association of American Railroads, Car Service Division; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 43-1421; Filed, January 27, 1943;
11:52 a. m.]

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

FORM PRESCRIBED FOR SMALL STEAM ROADS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 20th day of January, A. D. 1943.

In the matter of Annual Reports from Steam Railway Companies of Class III, and the corresponding section of the Code of Federal Regulations, the following order was entered:

It is ordered, That the order of this Commission dated December 5, 1941,¹ In the Matter of Annual Reports from Steam Railway Companies of Class III bc, and it is hereby vacated and set aside effective January 1, 1943, and the following order shall become effective:

§ 120.12 *Form prescribed for small steam roads.* (a) All steam railway companies of Class III, excluding switching and terminal companies, subject to the provisions of section 20, Part I, of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1942, and for each succeeding year until further order, in accordance with Annual Report Form C (Small Roads), which is hereby approved and made a part of this order.²

(b) The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

(Sec. 20, 24 Stat. 386, sec. 7, 34 Stat. 593, 35 Stat. 649, sec. 14, 36 Stat. 556, secs.

¹ 6 F.R. 6807.

² Filed as part of the original document.

434-435, 41 Stat. 493, sec. 13, 54 Stat. 916; 49 U.S.C. 20 (1)-(8))

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 43-1422; Filed, January 27, 1943;
11:52 a. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service; Bureau of the Public Debt.

[1943 Department Circular 685,
Amendment 1]

2½ PERCENT TREASURY BONDS OF 1962-67

JANUARY 21, 1943.

Department Circular No. 685, dated May 4, 1942 (7 F.R. 3371), is hereby amended by striking out the date "May 5, 1952" where it occurs in the second sentence of paragraph 4 of section II, and inserting in lieu thereof the date "February 1, 1943".

[SEAL]

D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-1329; Filed, January 26, 1943;
2:12 p. m.]

[1943 Department Circular 692,
Amendment 1]

2½ PERCENT TREASURY BONDS OF 1962-67 ADDITIONAL ISSUE

JANUARY 21, 1943.

Department Circular No. 692, dated August 3, 1942 (7 F.R. 6017), is hereby amended by striking out the date "May 5, 1952" where it occurs in the second sentence of paragraph 5 of section II, and inserting in lieu thereof the date "February 1, 1943".

[SEAL]

D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-1330; Filed, January 26, 1943;
2:12 p. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-255]

SHEESLEY COAL COMPANY

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint dated April 29, 1942, having been filed on May 1, 1942, by the Bituminous Coal Producers Board for District No. 1, complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") alleging wilful violation by Sheesley Coal Company, a corporation, 837 Horner Street, Johnstown, Pennsylvania, of the Bituminous Coal Code and the rules and regulations thereunder; and

Sheesley Coal Company, having filed with the Bituminous Coal Division (the "Division") on January 16, 1943, its application for restoration of its code membership to become effective simultaneously with the effective date of the Order entered in Docket No. B-255, issued December 14, 1942, canceling and revoking the code membership of said Sheesley Coal Company in the Bituminous Coal Code (the "Code"); and

It appearing from said application and other information in the possession of the Division, that the said Sheesley Coal Company paid to the Collector of Internal Revenue at Pittsburgh, Pennsylvania, on January 4, 1943, the sum of \$265.09, pursuant to said order issued December 14, 1942, in the above-entitled matter, as a condition precedent to the restoration of its code membership.

Now therefore it is ordered, That said application of Sheesley Coal Company, filed with the Division on January 16, 1943, for restoration of its code membership, be, and the same hereby is, granted.

It is further ordered that said restoration of the code membership of Sheesley Coal Company be, and the same hereby is effective December 14, 1942.

Dated: January 23, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-1327; Filed, January 26, 1943;
12:19 p. m.]

[Docket No. B-350]

EARL M. READ

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on January 27, 1943, at 2 p. m., at a hearing room of the Bituminous Coal Division at the Clearfield County Court House, Clearfield, Pennsylvania, pursuant to an order issued in the above entitled matter on December 19, 1942; and

The Director deeming it advisable that said hearing in the above-entitled matter be, and the same hereby is, postponed from January 27, 1943, at 2 p. m., to a time and place to be hereafter designated by an appropriate order.

Dated: January 23, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-1328; Filed, January 26, 1943;
12:19 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under

section 6 of the Act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order of Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order of Regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective January 28, 1943. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry:

Frances Dress Company, 1201 Wyoming Avenue, Scranton, Pennsylvania; Ladies' dresses; 10 learners (T); January 28, 1944.

S. Kantor Company, 31 S. 8th St., Lebanon, Pennsylvania; Ladies' blouses; 10 percent (T); January 28, 1944.

Lady Ester Lingerie Corp., Tenth and Walnut, Berwick, Pennsylvania; Ladies' undergarments, aprons; 10 learners (T); January 28, 1944.

The Mack Shirt Corporation, 209 E. 6th St., Cincinnati, Ohio; Men's shirts; 25 learners (E); July 28, 1943.

The Mack Shirt Corporation, 1416 Vine St., Cincinnati, Ohio; Men's shirts; 10 learners (E); July 28, 1943.

Muscatine Pants & Overall Company, 414-416 E. Third St., Muscatine, Iowa;

Men's work clothing; 3 learners (T); January 28, 1944.

Penn State Underwear Mills, Inc., 601 North Jordan St., Allentown, Penn.; Children's overalls and sun suits; 10 percent (T); January 28, 1944.

Philadelphia Pants Company, 26th and Reed Streets, Philadelphia, Pennsylvania; Men's trousers; 10 percent (T); January 28, 1944.

Southwestern Jacket Mfg. Co., Inc., 332 W. Commerce Street, San Antonio, Texas; Washable coats, pants, doctors' gowns, nurses' dresses, waiters' and waitresses' uniforms, defense uniforms; 5 learners (T); January 28, 1944.

The Star Union Company of Tennessee, Manchester, Tennessee; Men's and boys' pajamas, U. S. Army shorts, U. S. Army hospital pajamas; 10 percent (T); January 28, 1944.

Woods Manufacturing Company, 200 Garrison Ave., Fort Smith, Arkansas; Dress and semi-dress trousers, Army trousers; 10 percent (T); January 28, 1944.

Hosiery Industry

Grayson Full Fashioned Hosiery Mill, Independence, Virginia; Full fashioned hosiery; 5 percent (T); January 28, 1944.

York United Hosiery, Inc., East Street and P. R. R., York, Pennsylvania; Full fashioned hosiery; 5 learners (T); January 28, 1944.

Telephone Industry

Clarke County Telephone Company, Osceola, Iowa; To employ learners as commercial switchboard operators at its Osceola exchange, located at Osceola, Iowa until January 28, 1944.

Textile Industry

Canisteo Corporation, 8-10 Russell Street, Canisteo, New York; Rayon, nylon, yarns and silk; 3 learners (T); January 28, 1944.

Suncook Mills, Canal Street, Suncook, New Hampshire; Rayon and cotton fabrics; 3 percent (T); January 28, 1944.

Cigars Industry

General Cigar Company, 154 W. Church St., Nanticoke, Pennsylvania; Cigars; 10 percent (T); Cigar packers to have a learning period of 320 hours at 75% of applicable minimum wage; January 27, 1944.

Signed at New York, N. Y., this 26th day of January 1943.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 43-1369; Filed, January 27, 1943;
9:30 a. m.]

INTERNATIONAL SHOE CO., ST. LOUIS,
MISSOURI

NOTICE OF GRANTING EXCEPTION

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, issued under authority in the Fair Labor Standards Act of 1938, the Administrator of the Wage and Hour Division hereby grants to the International Shoe Company of St. Louis, Missouri, relief from the necessity of preserv-

ing its employees' piece-work tickets as required by § 516.15 (a) (1) of the record keeping regulations: *Provided*, That the weekly totals of piece work performed by each employee are entered in the payroll records and the payroll records are preserved for the period required by § 516.14 of the record keeping regulations.

This authority is granted on the representations of the petitioner and is subject to revocation for cause.

Signed at New York, New York, this 22d day of January 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-1368; Filed, January 27, 1943;
9:30 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 314, 414, 424, 521, 522, 532, 537]

TRANSCONTINENTAL & WESTERN AIR, INC.

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the applications of Transcontinental & Western Air, Inc., Western Air Lines, Inc., and United Air Lines Transport Corporation for certificates of public convenience and necessity and amendment of existing certificates under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceedings, that oral argument now assigned to be held on January 29, 1943, is hereby postponed to February 9, 1943, 10 a. m. (eastern war time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated Washington, D. C., January 26, 1943.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 43-1371; Filed, January 27, 1943;
9:54 a. m.]

[Docket Nos. 604 and 634]

TRANSCONTINENTAL & WESTERN AIR, INC.

NOTICE OF HEARING

In the matter of the petition of Transcontinental & Western Air, Inc., for an order fixing and determining the fair and reasonable rates of compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith over route No. 2.

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith of Transcontinental & Western Air, Inc., over Routes Nos. 36, 37, 38, 44 and 58.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that hearing is assigned to

be held on January 29, 1943, 10 a. m. (eastern war time) in Room 5417 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated Washington, D. C., January 23, 1943.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 43-1370; Filed, January 27, 1943;
9:54 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 703]

ESTATE OF AUGUSTE SCHNITZLER

In re: Estate of Auguste Schnitzler, deceased—File D-28-1527; E. T. sec. 274.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Title Guarantee and Trust Company, of 196 Montague Street, Brooklyn, New York, Executor and Trustee, acting under the judicial supervision of Surrogate's Court of the State of New York, in and for the County of New York;

(2) Such property and interests are payable or deliverable to, or claimed by nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Carl Schmidt.....	Germany.
Minna Schmidt.....	Germany.
Joachim Heinrich Schmidt.....	Germany.
Issue, distributees and next of kin, if any, of Gustave Schmidt, deceased.	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Carl Schmidt, Minna Schmidt, Joachim Heinrich Schmidt, and other issue, distributees and next of kin, if any, of Gustave Schmidt, deceased, and each of them, in and to the Estate of Auguste Schnitzler, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indi-

cate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any persons, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 18, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1374; Filed, January 27, 1943;
10:41 a. m.]

[Vesting Order 735]

ESTATE OF GIUSEPPE AMICO

In re: Estate of Giuseppe Amico, also known as Calagero Lumia, deceased—File No. D-38-457; E. T. sec. 789.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Kings County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	Last known address
Concettina Trifiro Lumia.....	Italy.
Marrieta Lumia.....	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Concettina Trifiro Lumia and Marrieta Lumia and each of them in and to the Estate of Giuseppe Amico, also known as Calagero Lumia, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further

determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1375; Filed, January 27, 1943;
10:41 a. m.]

[Vesting Order 737]

ESTATE OF KARL BINDER

In re: Estate of Karl Binder, deceased—File D-28-1321; E. T. sec. 129.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests described below in subparagraphs (a) and (b) are property which is in the process of administration by Harm Guthals, Administrator c. t. a., Talmage, Nebraska, acting under the judicial supervision of the County Court of Otoe County, Nebraska;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Friederich Binder, whose last known address is Germany; and

(3) The property and interests described in subparagraph (b) are property within the United States owned or controlled by the aforesaid national of a designated enemy country, Germany; and

Determining that—

(4) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

(a) All right, title, interest, and claim of any kind or character whatsoever of Friederich Binder in and to the estate of Karl Binder, deceased; and

(b) All right, title, interest, and estate, both legal and equitable, of Friederich Binder in and to the real property situated in Otoe County, Nebraska, and described as follows:

East Half, of the Northeast Quarter, of Section Eight, Township Seven, Range Thirteen, in Otoe County, Nebraska. Together with all improvements and appurtenances thereunto belonging.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1376; Filed, January 27, 1943;
10:41 a. m.]

[Vesting Order 738]

ESTATE OF DOROTHY BURK

In re: Estate of Dorothy Burk, deceased—File D-28-1497; E. T. sec. 213.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Fidelity Union Trust Company, Administrator, acting under the judicial supervision of the Essex County Surrogate's Court, New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National: Martha Ritter,----- Last known address Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the follow property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Martha Ritter in and to the Estate of Dorothy Burk, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1377; Filed, January 27, 1943;
10:41 a. m.]

[Vesting Order 739]

TRUST OF SARA C. CARPENTER, ET AL.

In re: Trust of Sara C. Carpenter, et al., under Deed of Trust dated June 19, 1907—File D-28-3324; E. T. sec. 699.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Land Title Bank and Trust Company, Trustee, 100 South Broad Street, Philadelphia, Pennsylvania, acting under the judicial supervision of Common Pleas Court of the State of Pennsylvania, in and for the County of Philadelphia;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Mrs. S. Atlee Fritze, whose last known address is Germany; and

Determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Mrs. S. Atlee Fritze in and to the trust estate created by Deed of Trust of Sara C. Carpenter et al., dated June 19, 1907,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1378; Filed, January 27, 1943;
10:41 a. m.]

[Vesting Order 740]

ESTATE OF ETHEL DEODATA EARLE

In re: Estate of Ethel Deodata Earle, deceased—File No. D-38-455; E. T. sec. 787.

Under the authority of the Trading with the enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Kings County;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Italy, namely, Frau Lina Frank whose last known address is Italy;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order

der or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Frau Lina Frank in and to the Estate of Ethel Deodata Earle, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1379; Filed, January 27, 1943;
10:42 a. m.]

[Vesting Order 741]

ESTATE OF MARIE FESENMEIER

In re: Estate of Marie Fesenmeier, deceased—File F-28-9690; E. T. sec. 2085.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described is property which is in the process of administration by Ben H. Brown, Public Administrator of Los Angeles County, Administrator c. t. a., acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

(2) Such property and interest is payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Maria Mehlretter, whose last known address is Freising, Germany; and

Determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany, and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order

or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Maria Mehlretter, in and to the Estate of Marie Fesenmeier, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of the said Executive Order.

Dated: January 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1380; Filed, January 27, 1943;
10:42 a. m.]

[Vesting Order 742]

ESTATE OF EMMA FRIEDERICH

In re: Estate of Emma Friederich, also known as Emma Friedrich, deceased—File F-28-13575; E. T. sec. 2055.

Under the authority of the Trading with the Enemy Act as amended and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by John D. Ficke, Executor, acting under the judicial supervision of the Surrogate's Court of the State of New York in and for Kings County.

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Paul Friederich.....	Germany.
William Friederich.....	Germany.
Clara Friederich.....	Germany.
Maria Friederich.....	Germany.
Bruno Winkler.....	Germany.
Agon Winkler.....	Germany.
Eringardt Frenzel.....	Germany.
Ginta Frenzel.....	Germany.

Nationals—Continued.

	<i>Last known address</i>
Herbert Frenzel	Germany.
Clara Frenzel	Germany.
Maria Nelka	Germany.
Paul Nelka	Germany.
Rudolf Frenzel	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany, and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Paul Friederich, William Friederich, Clara Friederich, Maria Friederich, Bruno Winkler, Agon Winkler, Eringardt Frenzel, Ginta Frenzel, Herbert Frenzel, Clara Frenzel, Maria Nelka, Paul Nelka and Rudolf Frenzel, and each of them, in and to the estate of Emma Friederich also known as Emma Friedrich, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1381; Filed, January 27, 1943;
10:42 a. m.]

[Vesting Order 743]

ESTATE OF JOSEPH GRU

In re: Estate of Joseph Gru, deceased—File No. D-57-53; E. T. sec. 1330.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depositary acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Bronx County.

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Roumania, namely,

	<i>Last known address</i>
Liba Podgaletz	Roumania.
Chana Stevenberg	Roumania.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Roumania; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Liba Podgaletz and Chana Stevenberg and each of them in and to the Estate of Joseph Gru, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1382; Filed, January 27, 1943;
10:42 a. m.]

[Vesting Order 744]

ESTATE THERESE M. GRUTTER

In re: Estate of Therese M. Grutter, sometimes known as Therese Mayer Grutter, deceased—File D-28-1850; E. T. sec. 1457.

Under authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by J. P. Mikolizik, Executor of the estate of Therese M. Grutter, sometimes known as Therese Mayer Grutter, deceased, acting under the judicial supervision of the County Court City and County of Denver, Colorado;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

	<i>Last known address</i>
Nationals:	
Robert Schoch	Germany.
René Schoch	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Robert Schoch and René Schoch and each of them, in and to the Estate of Therese M. Grutter, sometimes known as Therese Mayer Grutter, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1383; Filed, January 27, 1943;
10:42 a. m.]

[Vesting Order 745]

ESTATE OF CARL HANTZSCH

In re: Estate of Carl Hantzsch, also known as Charles Wolf, deceased—File D-28-1974; E. T. sec. 1942.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Eugene M. Thoré, Executor, 51 Louisiana Avenue, N. W., Washington, D. C., acting under the judicial supervision of District Court of the United States for the District of Columbia;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Marie Ashenbach, whose last known address is Germany; and

Determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Marie Ashenbach in and to the estate of Carl Hantzsch, also known as Charles Wolf, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1384; Filed, January 27, 1943;
10:43 a. m.]

[Vesting Order 746]

TRUST UNDER WILL OF JOHN HAPP

In re: Trust under will of John Happ, deceased—File F-28-12101; E. T. sec. 1290.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Safe Deposit and Trust Company of Baltimore, Maryland, Trustee, acting under the judicial supervision of Circuit Court #2 of Baltimore City, Baltimore, Maryland; and

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Friederich Hermann Happ	Germany.
Martha Amalie Zoll	Germany.
Karl Happ	Germany.
Maria Happ Pfann	Germany.
Hermann Happ	Germany.
Maria Happ Schmitt	Germany.
Hildegard Happ Schmitt	Germany.
Dorothea Happ Wenzl	Germany.
John Happ	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Friederich Hermann Happ, Martha Amalie Zoll, Karl Happ, Maria Happ Pfann, Hermann Happ, Maria Happ Schmitt, Hildegard Happ Schmitt, Dorothea Happ Wenzl, John Happ and each of them in and to the Trust Estate created under the Last Will and Testament of John Happ, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, and to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form

APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1385; Filed, January 27, 1943;
10:43 a. m.]

[Vesting Order 747]

ESTATE OF J. H. P. IOANNU

In re: Estate of J. H. P. Ioannu, deceased—File D-30-71; E. T. sec. 1311.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Pennsylvania Company for Insurance on Lives and Granting Annuities as Executor acting under the judicial supervision of the Orphans' Court of Philadelphia County, Philadelphia, Pennsylvania;

(2) Nicos H. Papa Ioannu, whose last known address is Athens, Greece, is a person controlled by or acting for or on behalf of a designated enemy country, Germany, and therefore is a national of a designated enemy country, Germany;

(3) Such property and interests are payable to or claimed by a national of a designated enemy country, Germany,

And determining that—

(4) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Nicos H. Papa Ioannu in and to the estate of J. H. P. Ioannu, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1386; Filed, January 27, 1943;
10:43 a. m.]

[Vesting Order 748]

ESTATE OF OSWALD KANE

In re: Estate of Oswald Kane (also known as Oswald Kannengieser) deceased—File D-28-1862, E. T. sec. 1686.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interest hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

(2) Such property and interest are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely Joseph Kannengieser, whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interest:

All right, title, interest, and claim of any kind or character whatsoever of Joseph Kannengieser in and to the Estate of Oswald Kane (also known as Oswald Kannengieser), deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interest and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interest or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1387; Filed, January 27, 1943;
10:43 a. m.]

[Vesting Order 749]

ESTATE OF CHARLES W. KRIEBEL

In re: Estate of Charles W. Kriebel, deceased—File F-28-11734; E. T. sec. 1284.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Liberty Title and Trust Company, Trustee, acting under the judicial supervision of the Orphans' Court of the State of Pennsylvania, in and for the County of Philadelphia;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National: Mathilda Klimpel-----Germany
Last known address

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Mathilda Klimpel in and to the Trust Fund created under the Will of Charles W. Kriebel, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should

be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1388; Filed, January 27, 1943;
10:43 a. m.]

[Vesting Order 750]

ESTATE OF FRIEDRICH KRUSE

In re: Estate of Friedrich Kruse, deceased—File No. D-28-1818; E.T. sec. 1331.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Bronx County;

(2) Such property and interests are payable or deliverable to, or claimed by, a national, of a designated enemy country, Germany, namely, Frederick Kruse whose last known address is Germany;

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Frederick Kruse in and to the Estate of Friedrich Kruse, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should

be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1389; Filed, January 27, 1943;
10:44 a. m.]

[Vesting Order 751]

ESTATE OF BERNARD C. MANKE

In re: Estate of Bernard C. Manke, deceased—File D-28-1535; E. T. sec. 282. Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests described below in subparagraphs (a) and (b) are property which is in the process of administration by Seattle-First National Bank, Second Avenue and Cherry Street, Seattle, Washington, Executor, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of King;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Otto Manke	Germany.
Else Collatz Straub	Germany.
Martha Collatz Fraedrich	Germany.
Walter Collatz	Germany.

(3) The property and interests described in subparagraph (b) are property within the United States owned or controlled by the aforesaid nationals of a designated enemy country, Germany; and

Determining that—

(4) If such nationals are persons not within any designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

(a) All right, title, interest, and claim of any kind or character whatsoever of Otto Manke, Else Collatz Straub, Martha Collatz Fraedrich, and Walter Collatz, and each of them, in and to the estate of Bernard C. Manke, deceased; and

(b) All right, title, interest, and estate, both legal and equitable, of Otto Manke, Else Collatz Straub, Martha Collatz Fraedrich, and Walter Collatz, and each of them, in and

to the real property situated in the State of Washington, and described as follows:

An undivided $\frac{1}{2}$ interest in Lot 11, Block 28, Nagle's Second Addition to Seattle, King County, Washington. Together with all improvements and appurtenances thereunto belonging.

All that portion of Lot 5 in Section 8 in Township 24 N. Range 5 E. W. M. particularly described as follows, to-wit: beginning at the NE corner of Lot 5 and running thence W. 10 rods; thence S. to the meander line of Lake Washington; thence easterly along said meander line to the East boundary of said Lot 5; thence North to the place of beginning, together with all shorelands of the 2nd class situate in front of or adjacent thereto—also described as Tax Lot 12, E. 165' of Government Lot 5 and shorelands adjacent, less county road. Together with all improvements and appurtenances thereunto belonging.

Lot 8 Block 6 Judkins' Addition to the City of Seattle, King County, State of Washington, less railway-right-of-way 1320-22 8th Avenue, South. Together with all improvements and appurtenances thereunto belonging.

Block 217, Seattle Tide Lands. Together with all improvements and appurtenances thereunto belonging,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1390; Filed, January 27, 1943;
10:44 a. m.]

[Vesting Order 752]

ESTATE OF JOSEPH MEIER

In re: Estate of Joseph Meier, deceased—File D-28-1579; E. T. sec. 328.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The American National

Bank of Denver as Executor acting under the judicial supervision of the County Court of the City and County of Denver, Colorado;

(2) Such property and interests are payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National:	Last known address
Bertha Meier Melbach	Geiselsberg, near Muenchen, Parkplatz, Bavaria, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Bertha Meier Melbach in and to the Estate of Joseph Meier, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1391; Filed, January 27, 1943;
10:44 a. m.]

[Vesting Order 753]

ESTATE OF GEORGE MERCK

In re: Estate of George Merck, deceased—File D-28-1968; E. T. sec. 1919.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Edward H. Green, George W. Merck and Friedrike Merck, Trustees, acting under the judicial supervision of the Prerogative Court of New Jersey;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	Last known address
Rosalie Eigenbrodt.....	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Rosalie Eigenbrodt in and to the Trust Fund created under the Will of George Merck, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1392; Filed, January 27, 1943;
10:44 a. m.]

[Vesting Order 754]

ESTATE OF JOHN MIGLIORELLI

In re: Estate of John Migliorelli, deceased—File D-38-287; E. T. sec. 98.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Gardner O. Hart, Administrator, acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Oneida County;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:	Last known address
Rosa Migliorelli.....	Italy.
Lucrezia Migliorelli.....	Italy.
Maria Migliorelli.....	Italy.
Sebastiano Migliorelli.....	Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Rosa Migliorelli, Lucrezia Migliorelli, Maria Migliorelli and Sebastiano Migliorelli and each of them in and to the Estate of John Migliorelli, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1393; Filed, January 27, 1943;
10:44 a. m.]

[Vesting Order 755]

ESTATE OF ROSE MUHLEISEN

In re: Estate of Rose Muhleisen, deceased—File D-28-1960 E. T. sec. 2006.

Under the authority of the Trading with the Enemy Act as amended, and Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Herman E. Schnaebele, Executor of the estate of Rose Muhleisen, deceased, acting under the judicial supervision of the Register of Wills, Philadelphia County, Pennsylvania

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Rose Waenninger.....	Germany.
Karl Dirschel.....	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany, and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Rose Waenninger and Karl Dirschel, and each of them, in and to the estate of Rose Muhleisen, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: January 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1394; Filed January 27, 1943;
10:44 a. m.]

[Vesting Order 756]

ESTATE OF PETER OFFT

In re: Estate of Peter Offt, deceased—File F-28-11881; E. T. sec. 2026.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Ben H. Brown, Public Administrator of Los Angeles County, Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:

B. Werner Offt.....Germany.
Martha Gebhardt.....Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of B. Werner Offt and Martha Gebhardt, and each of them, in and to the Estate of Peter Offt, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereof, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1395; Filed, January 27, 1943;
10:45 a. m.]

[Vesting Order 757]

ESTATE OF ALEXANDER G. ROVALDY

In re: Estate of Alexander G. Rovaldy, deceased—File D-38-364; E. T. sec. 839.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Security Trust Company of Pottstown, Pennsylvania, as executor under the Will of Alexander G. Rovaldy, deceased, High and Hanover Streets, Pottstown, Pennsylvania, acting under the judicial supervision of Orphans' Court of the State of Pennsylvania, in and for the County of Montgomery;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Italy, namely,

Nationals:

Antonio Rovaldy.....Italy.
Charlotte Rovaldy.....Italy.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Italy; and

Having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Antonio Rovaldy and Charlotte Rovaldy, and each of them, in and to the estate of Alexander G. Rovaldy, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall

have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1396; Filed, January 27, 1943;
10:45 a. m.]

[Vesting Order 758]

ESTATE OF GEORGE ALBERT SCHREINER

In re: Estate of George Albert Schreiner, deceased—File D-28-1923; E. T. sec. 1788.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by First Atlantic National Bank, Executor, acting under the judicial supervision of the County Judge's Court of the State of Florida, in and for the County of Volusia;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Elise Eecke.....	Germany.
Heinrich Schreiner.....	Germany.
Paul Schreiner.....	Germany.
Martin Schreiner.....	Germany.
Wilhelm Schreiner.....	Germany.
Adam Apel.....	Germany.
Amelia Paul nee Holzhauer.....	Germany.
Daniel Brandau.....	Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Elise Eecke, Heinrich Schreiner, Paul Schreiner, Martin Schreiner, Wilhelm Schreiner, Adam Apel, Amelia Paul nee Holzhauer and Daniel Brandau, and each of them, in and to the Estate of George Albert Schreiner, deceased.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order

may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1397; Filed, January 27, 1943;
10:45 a. m.]

[Vesting Order 759]

ESTATE OF ADOLF LOUIS THEEK

In re: Estate of Adolf Louis Theek, deceased—File D-28-3415; E. T. sec. 1091.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests described below in subparagraphs (a) and (b) are property which is in the process of administration by California Trust Company, Executor, 629 South Spring Street, Los Angeles, California, acting under the judicial supervision of Superior Court of the State of California, in and for the County of Los Angeles;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely, Marie Theek, whose last known address is Germany; and

(3) The property and interests described in subparagraph (b) are property within the United States owned or controlled by the aforesaid national of a designated enemy country, Germany; and

Determining that—

(4) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

(a) All right, title, interest, and claim of any kind or character whatsoever of Marie Theek in and to the estate of Adolf Louis Theek, deceased; and

(b) All right, title, interest, and estate, both legal and equitable, of Marie Theek in and to the real property situated in Los Angeles County, California, and described as follows:

Lot 3 of Tract No. 285, in the County of Los Angeles, State of California, as per map recorded in Book 16, Page 77 of Maps, in the office of the County Recorder of said County; EXCEPT the East 270 feet thereof. Together with all improvements and appurtenances thereunto belonging.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

No. 19—6

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1398; Filed, January 27, 1943;
10:45 a. m.]

[Vesting Order 760]

DEPOSIT FOR CURT UBERALL

In re: Deposit for Curt Uberall—File D-66-28; E. T. sec. 301.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Walter E. Wallace, Clerk of District Court, acting under the judicial supervision of the District Court of Burnet County, Texas;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National:	<i>Last known address</i>
Curt Uberall	Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany, and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Curt Uberall in and to the proceeds from the sale of certain real estate sold under order of sale on a tax judgment,

to be held, used, administered, liquidated, sold or otherwise dealt with in the in-

terest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1399; Filed, January 27, 1943;
10:46 a. m.]

[Vesting Order 761]

ESTATE OF FRANK VERDERBER

In re: Estate of Frank Verderber, deceased—File No. D-6-131; E. T. sec. 1217.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of the City of New York as depository acting under the judicial supervision of the Surrogate's Court of the State of New York, in and for Queens County;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany (Austria), namely, John Verderber whose last known address is Germany (Austria);

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany (Austria); and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of John Verderber in and to the Estate of Frank Verderber, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the in-

terest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1400; Filed, January 27, 1943;
10:45 a. m.]

[Vesting Order 762]

ESTATE OF ALVINA WAGNER

In re: Estate of Alvina Wagner, deceased—File D-28-4419; E. T. sec. 1209.

Under the authority of the Trading with the Enemy Act as amended, Executive Order 9095 as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests described below in subparagraphs (a) and (b) are property which is in the process of administration by The San Francisco Bank, Executor, 526 California Street, San Francisco, California, acting under the judicial supervision of the Superior Court of the State of California, in and for the City and County of San Francisco;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals:	Last known address
Fritz Wagner	Germany.
Olga Kruager	Germany.
Paula Knuppel	Germany.
Paul Wagner	Germany.

(3) The property and interests described in subparagraph (b) are property within the United States owned or controlled by the aforesaid nationals of a designated enemy country, Germany; and

Determining that—

(4) If such nationals are persons not within any designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Or-

der or Act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

(a) All right, title, interest, and claim of any kind or character whatsoever of Fritz Wagner, Olga Kruager, Paula Knuppel, and Paul Wagner, and each of them, in and to the estate of Alvina Wagner, deceased; and

(b) All right, title, interest, and estate, both legal and equitable, of Fritz Wagner, Olga Kruager, Paula Knuppel, and Paul Wagner, and each of them, in and to the real property situated in the City and County of San Francisco, State of California, and described as follows:

(1) Commencing at a point on the southerly line of Geary Boulevard, distant thereon one hundred four feet Easterly from the Easterly line of Fortieth Avenue and running thence Easterly and along the said Southerly line of Geary Boulevard twenty-five feet; thence at a right angle Southerly one hundred feet; thence at a right angle Westerly twenty-five feet and thence at a right angle Northerly one hundred feet to the Southerly line of Geary Boulevard and the point of commencement. The same being a Portion of Outside Land Block No. 245. Together with all improvements and appurtenances thereunto belonging.

(2) Commencing at a point on the Southerly line of Moraga Street, distant thereon fifty-seven feet six inches Easterly from the Easterly line of 23rd Avenue; running thence Easterly and along said line of Moraga Street twenty-five feet; thence at a right angle Southerly one hundred feet; thence at a right angle Westerly twenty-five feet; thence at a right angle Northerly one hundred feet to the point of commencement. Being a part of Outside Land Block No. 882. Together with all improvements and appurtenances thereunto belonging.

(3) Beginning at a point on the Westerly line of 41st Avenue, distant thereon seventy-five feet Southerly from the Southerly line of Anza Street; running thence Southerly along said line of 41st Avenue twenty-five feet; thence at a right angle Westerly eighty-one feet six inches; thence at a right angle Northerly twenty-five feet; thence at a right angle Easterly eighty-one feet six inches to the point of beginning.

Being a portion of Outside Land Block No. 324. Together with all improvements and appurtenances thereunto belonging.

(4) Beginning at a point on the Westerly line of Seventeenth Avenue distant thereon three hundred and four feet Southerly from the Southerly line of Kirkham Street, formerly "K" Street, and running thence Southerly along said line of Seventeenth Avenue twenty-five feet; thence at right angles Westerly one hundred and twenty feet; thence at right angles Northerly twenty-five feet; thence at right angles easterly one hundred and twenty feet to the point of beginning.

Being a portion of Outside Land Block No. 785. Together with all improvements and appurtenances thereunto belonging.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and interests and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property and interests or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should

be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Dated: January 23, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-1401; Filed, January 27, 1943;
10:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-566]

WEST TEXAS UTILITIES CO. AND THE MIDDLE WEST CORP.

ORDER GRANTING APPLICATION, ETC.

Order granting application and permitting declaration to become effective as amended.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of January A. D., 1943.

The Middle West Corporation, a registered holding company, and West Texas Utilities Company, one of its subsidiaries, having filed a joint application and declaration and amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 10 thereof and Rules U-43 and U-62 of the General Rules and Regulations thereunder, with respect to a proposed offer by West Texas Utilities Company to purchase all outstanding securities of Pecos Valley Power & Light Company, as follows:

1. First Mortgage Bonds held by the public in the principal amount of \$963,000 at 76% thereof.

2. Income Debentures held by the public in the principal amount of \$358,000 at 15% thereof.

3. Common stock held by the public in the amount of 3,582.66 shares at \$1 per share.

4. First Mortgage Bonds in the principal amount of \$313,000, Income Debentures in the principal amount of \$369,500 and common stock in the amount of 3,892.34 shares, all held by The Middle West Corporation for the sum of \$238,349.11 (equal to 76% of the principal amount of the bonds held plus \$496.11 transfer tax applicable to the debentures and common stock being transferred); and

Hearings having been held after appropriate notice, the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, Pursuant to the applicable provisions of said Act that the aforesaid application and declaration, as

amended, be forthwith granted and permitted to become effective, respectively, subject however to the terms and conditions prescribed in Rule U-24 of the general rules and regulations promulgated under said Act and subject also to the following conditions:

1. The initial solicitation literature furnished each security holder shall be accompanied by a copy of our findings and opinion herein, and West Texas Utilities Company shall submit to the Commission not less than three days prior to the use thereof copies in final form of all supplemental or follow-up solicitation literature.

2. Approval of the acquisition by West Texas Utilities Company of the Pecos Valley Power & Light Company securities shall be without prejudice to the right of the Commission in any appropriate proceeding hereafter to inquire into and issue any appropriate order under section 11 of the Act.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1331; Filed, January 26, 1943;
2:39 p. m.]

[File No. 70-614]

ELECTRIC BOND AND SHARE CO., ET AL.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 22nd day of January A. D. 1943.

In the matter of Electric Bond and Share Company; American & Foreign Power Company, Inc., Ebasco Services Incorporated, and Ebasco International Corporation.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, and its subsidiary companies, American & Foreign Power Company, Inc. ("Foreign Power"), also a registered holding company, Ebasco Services Incorporated ("Ebasco"), a wholly-owned service company, and Ebasco International Corporation ("International"), a presently inactive subsidiary of Foreign Power, having filed a joint application and declaration, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 thereof and the rules promulgated thereunder, with respect to the following transactions:

1. Ebasco to transfer to International all the assets, including cash, employed by the international division of Ebasco in rendering services to client companies operating outside the United States, in consideration for the payment by International to Ebasco of \$398,576.49 in cash and its assumption of all liabilities arising out of or in connection with the operations of the international division.

2. Foreign Power to purchase from International 1,990 shares of its capital stock for \$199,000 and to advance to it on open account the sum of \$199,576.49.

3. Ebasco to reacquire 4,000 shares of its capital stock from Bond and Share

for \$400,000 cash and to cancel such shares, reducing its capital stock by that amount; and

International having further applied under section 13 for exemption of its proposed operations; and

A public hearing having been held after due notice, and the Commission having considered the record of the proceeding and having entered its findings and opinion herein;

It is hereby ordered, That the said joint application and declaration as amended be and the same hereby is granted and permitted to become effective, subject, however, to the terms and conditions prescribed in Rule U-24 of the General Rules and Regulations promulgated under said Act, and to the further term and condition that any pension plan proposed to be established by International be submitted to this Commission for approval.

It is further ordered, That the application of International for exemption of its proposed operations be and the same hereby is granted, subject to the condition that International file with this Commission an annual report on Form U-13-60: And provided further, That jurisdiction is expressly reserved to modify or terminate the exemption if the Commission shall determine that the circumstances which gave rise to the order no longer exist or it is necessary or appropriate in the public interest or for the protection of investors or consumers that said exemption be modified or terminated.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1332; Filed, January 26, 1943;
2:39 a. m.]

[File No. 70-659]

INTERNATIONAL UTILITIES CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of January A. D. 1943.

International Utilities Corporation, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-46 thereunder, regarding the declaration and payment by International Utilities Corporation out of capital or unearned surplus of a regular quarterly dividend on February 1, 1943, on its \$3.50 Prior Preferred Stock, at the rate of 87½¢ per share on the 97,370 shares of such stock presently outstanding, the aggregate amount of such payment being \$85,193.75;

Said declaration having been filed on December 31, 1942 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to

said declaration within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

International Utilities Corporation having requested that said declaration become effective on or about January 23, 1943; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective, and being satisfied that the effective date of such declaration should be advanced;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1333; Filed, January 26, 1943;
2:39 p. m.]

[File No. 70-99]

SIoux CITY GAS AND ELECTRIC CO. AND
IOWA PUBLIC SERVICE CO.

ORDER PERMITTING WITHDRAWAL OF DECLARATIONS AND APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 25th day of January 1943.

Sioux City Gas and Electric Company (Sioux City) a registered holding company, and its subsidiary Iowa Public Service Company (Iowa), also a registered holding company, having filed declarations and applications pursuant to sections 10 and 12 of the Public Utility Holding Company Act of 1935 regarding a proposed sale by Iowa and acquisition by Sioux City of 10,000 shares of common stock, par value \$50 each, of Nebraska Public Service Company, for \$350,000 in cash;

The applicants and declarants having requested permission to withdraw said declarations and applications, and it appearing to the Commission that the withdrawal of said declarations and applications is consistent with the public interest;

It is ordered, That the request of the applicants and declarants be, and it hereby is, approved and said declarations and applications are hereby deemed withdrawn.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1334; Filed, January 26, 1943;
2:40 p. m.]

[File No. 34-3]

DERRY GAS & ELECTRIC CORPORATION

ORDER PERMITTING WITHDRAWAL OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its of-

file in the City of Philadelphia, Pa., on the 25th day of January 1943.

Derby Gas & Electric Corporation, a registered holding company, having filed an application under section 11 (g) of the Public Utility Holding Company Act of 1935 for a report of this Commission on a plan for the reorganization of the holding company system of the applicant; and

Said plan of reorganization having been superseded by a later plan, and applicant having requested that it be permitted to withdraw said application; and

It appearing to the Commission that the withdrawal of said application is consistent with the public interest;

It is ordered, That the request of the applicant be, and it hereby is, approved and said application is hereby deemed withdrawn.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1335; Filed, January 26, 1943;
2:40 p. m.]

[File No. 70-669]

UNION ELECTRIC COMPANY OF MISSOURI
AND IOWA UNION ELECTRIC COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of January 1943.

Notice is hereby given that a joint declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Union Electric Company of Missouri, a registered holding company, and by its subsidiary, Iowa Union Electric Company, and

Notice is further given that any interested person may, not later than February 8, 1943, at 4:00 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, said joint declaration or application, as filed or as amended, may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said joint declaration or application, which is on file in the office of the said Commission, for a statement of the transactions therein proposed, which are summarized below:

(1) Iowa Union Electric Company proposes:

(a) To issue and sell to Union Electric Company of Missouri, the owner of all of its presently outstanding common stock, for cash at \$45 per share, 8,793

additional shares of its no par value common stock having a stated value of \$45 per share, and

(b) To issue and deliver to the First National Bank in St. Louis, Missouri, its promissory note in the principal amount of \$200,000 bearing interest at the rate of 2% per annum and payable on demand three years after the date thereof, and

(c) To use the proceeds from the sale of said additional common stock and from the promissory note, together with other funds, to redeem its presently outstanding bonds in the aggregate principal amount of \$700,000.

(2) Union Electric Company of Missouri proposes to acquire for cash at \$45 per share the 8,793 shares of additional common stock of Iowa Union Electric Company above referred to.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1336; Filed, January 26, 1943;
2:40 p. m.]

[File No. 52-19]

PORTLAND ELECTRIC POWER COMPANY

ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of January 1943.

Thos. W. Delzell and R. L. Clark, Independent Trustees of Portland Electric Power Company, a registered holding company now in reorganization under Chapter X of the Federal Bankruptcy Act, having filed with this Commission pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 a plan for the reorganization of said Portland Electric Power Company; and

The Commission by its order of October 15, 1942 having set said matter down for hearing on November 9, 1942; and said hearing having been held pursuant to said order and evidence having been taken with respect to said plan and said hearing having been continued on the 14th day of November, 1942 to a time, date and place thereafter to be fixed by the trial examiner or by the Commission:

It is ordered, That said hearing be reconvened on February 15, 1943 at 10 o'clock in the forenoon in Room 320 of the Multnomah County Court House, 1021 Southwest Fourth Avenue, Portland, Oregon, before William W. Swift, Trial Examiner heretofore designated.

It is further ordered, That notice hereof shall be given to the parties hereto by registered mail and to all other interested persons by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1337; Filed, January 26, 1943;
2:40 p. m.]

ALABAMA WATER SERVICE CORPORATION AND
FEDERAL WATER SERVICE CORPORATION

ORDER PERMITTING WITHDRAWAL OF DECLARATIONS AND APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 25th day of January 1943.

Federal Water Service Company (Federal), then a registered holding company but now dissolved, and Alabama Water Service Company (Alabama), a subsidiary of Federal, having filed declarations and an application under sections 10 and 12 of the Public Utility Holding Company Act of 1935 in regard to (a) the surrender by Federal and the acquisition by Alabama of certain of Alabama's securities, and (b) the acquisition by Alabama from The United Light and Power Company of all of the securities and open account indebtedness of Chattanooga Gas Company owned by The United Light and Power Company; and

Applicants and declarants having requested permission to withdraw said declarations and application, and having represented in support of such request, among other things, that Alabama has relinquished its rights to purchase the securities and open account indebtedness of Chattanooga Gas Company; the Commission having approved the acquisition of the securities of Chattanooga Gas Company by Federal in its opinion and order dated January 17, 1940 (See 6 S.E.C. 670); and

It appearing to the Commission that the withdrawal of said declarations and application is consistent with the public interest;

It is ordered, That the request of the applicants and declarants be, and it hereby is, granted, and said declarations and said application are hereby deemed withdrawn.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1338; Filed, January 26, 1943;
2:41 p. m.]

[File No. 812-305]

CARIB SYNDICATE LIMITED

NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of January, A. D. 1943.

Carib Syndicate Limited having filed an application pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order of temporary exemption until February 28, 1943 from the provisions of section 30 (d) of the Act and Rule N-30D-1 promulgated thereunder insofar as the said section and rule require applicant to transmit a semi-annual report to stockholders within thirty days after the date as of which the report is made.

It is ordered, That a hearing on the matter of the aforesaid application be held on February 5, 1943, at 10:00 o'clock in the forenoon of that day in Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pa.

It is further ordered, That Robert P. Reeder Esq., shall preside at the hearing on such application. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1420; Filed, January 27, 1943;
11:22 a. m.]

[File No. 70-670]

ALABAMA UNITED ICE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 26th day of January 1943.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Alabama United Ice Company, a subsidiary of United Public Utilities Corporation, a registered holding company; and

Notice is hereby given that any interested party may, not later than February 1, 1943 at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and

Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Alabama United Ice Company proposes, by agreement between it and four other non-affiliated ice manufacturing companies located in Mobile, Alabama, to acquire for \$15,000 in cash a 20% interest in the Polar Ice Company, Inc., which is to be organized in Mobile, Alabama, with a total paid-in capital of \$75,000; the remaining 80% of the capital of said new ice company is to be subscribed and paid for by the four other ice companies of Mobile, Alabama, in equal amounts.

The application states that the formation of the new ice company is solely for the purpose of fulfilling a temporary shortage, caused by the war emergency, of ice tonnage which is necessary to supply railroads and ships which load at the port of Mobile.

Applicant has requested that the approval of the application be accelerated because of the emergency nature of the transactions involved so that the order will issue not later than February 2, 1943.

United Public Utilities Corporation, the parent registered holding company of the applicant, has stipulated that the approval of this application by the Commission will not in any way be claimed as a change of conditions or circumstances which will constitute grounds for modification or revocation of the order entered by this Commission in the Matter of United Public Utilities Corporation and its Subsidiary Companies (File No. 59-38) pursuant to section 11 (b) (1) of the Act on March 4, 1942, or which will affect the ability of said registered holding company to comply with said order.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1419; Filed, January 27, 1943;
11:22 a. m.]

[File No. 70-661]

LOUISVILLE TRANSMISSION CORP. (KY.)

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular meeting of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 26th day of January, A. D. 1943.

Louisville Transmission Corporation (Kentucky), an indirect subsidiary of Louisville Gas and Electric Company (Delaware), a registered holding company, having filed a declaration pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 regarding a proposal to amend section 3.05 of its First Mortgage and Deed of Trust to the Harris Trust and Savings Bank, Trustee, dated March 1, 1942, so as to permit the release of certain funds from the construction fund on deposit with the trustee before the full completion of the original project as described in said indenture; and

Said declaration having been filed on the 7th day of January, 1942, and notice of said filing having been duly given in the manner and form prescribed by Rule U-23 under said Act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in such notice, or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that the released funds will be used to the extent necessary for the payment of a 50,000 kw. transformer and that the remainder of such funds will be transferred to the sinking fund and used for the retirement of bonds issued under the indenture; that the original project described in said indenture has been substantially completed and is in service, but that due to the inability of the declarant to obtain certain auxiliary equipment it is unable to make the certificate which, as the indenture now stands, is a condition precedent to the release of monies from the construction fund; and that The Northwestern Mutual Life Insurance Company, the owner of all of the bonds outstanding under the indenture, has executed the proposed amendment; and

The Commission finding that all applicable statutory requirements are met and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declaration be and the same hereby is permitted to become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 43-1418; Filed, January 27, 1943;
11:22 a. m.]

